NOMINALISM AND REALISM IN QUMRANIC AND RABBINIC LAW: A REASSESSMENT

JEFFREY L. RUBENSTEIN
New York University

D.R. Schwartz's noteworthy article, "Law and Truth: On Qumran-Sadducean and Rabbinic Views of Law," proposes a powerful new theory for conceptualizing the fundamental difference between Qumran-Sadducean and Pharisaic-rabbinic law.[1] Previous studies generally sufficed with the vague characterization of Qumran law as "priestly" without defining exactly what this means or how it relates to specific legal issues. Schwartz, in contrast, examines numerous particular disputes between these two legal systems and explains how they devolve from two conflicting understandings of law. The rabbis were legal nominalists while the Qumran-Sadducean exegetes were legal realists, defined as follows:

> From a systematic point of view, the contrast between the nominalist and realist trends is bound up with the contrast in principle concerning the actual nature of the link between God and the laws of the Torah—the contrast between a view of the commandments as orders resultant from the will of the commanding God, on the one hand, and, on the other hand, a view of the commandments as guidelines based in independently existing situations, which man, due to the grace of the wisdom-giving God, may introduce among his considerations by accepting the yoke of the commandments.[2]

---

[1] D.R. Schwartz, "Law and Truth: On Qumran-Sadducean and Rabbinic Views of Law," *The Dead Sea Scrolls: Forty Years of Research* (eds D. Dimant and U. Rappaport; STDJ 10; Leiden: Brill; Jerusalem: Magnes Press and Yad Izhak Ben-Zvi, 1992). Schwartz bases the connection between Qumran and Sadducean law on J.M. Baumgarten, "The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts," *JJS* 31 (1980) 157-70; J. Sussman, "The History of Halakha and the Dead Sea Scrolls: Preliminary Observations on Miqṣat Maʿase ha-Torah (4QMMT)," *Tarbiz* 59 (1989/90) 11-76 (Hebrew) and B.Z. Wacholder's lecture at the Eighth World Congress of Jewish Studies (1981). To these studies should be added L.H. Schiffman, "The Temple Scroll and the Systems of Jewish Law of the Second Temple Period," *Temple Scroll Studies* (ed. G.J. Brooke; JSPSup 7; Sheffield: Sheffield Academic Press, 1989) 250-53; idem, "The New Halakhic Letter (4QMMT) and the Origins of the Dead Sea Sect," *BA* 53 (1990) 64-73.

[2] Schwartz, "Law and Truth," 231 n. 8. Schwartz borrows this definition from

© Koninklijke Brill NV, Leiden, 1999

Schwartz surpasses previous studies by relating this difference in legal philosophy to different views of repentance, predestination and contemporary divine revelation, thus illuminating the common ground of law and theology. He then links law to socio-cultural considerations by explaining how realism makes sense in a priestly worldview whereas nominalism better fits the situation of rabbis and sages. This insightful argument has gained a following at academic conferences and has been adopted by other scholars.[3] All who share an interest in ancient Jewish law should appreciate this contribution to the field.

However, like many innovative perspectives, Schwartz's position is somewhat overstated. In the following discussion I make three general arguments. First, I present some considerations which militate against classifying rabbinic law as nominalist, and hence against seeing nominalism versus realism as the fundamental dispute between the rabbis and Qumran. Second, I argue that the specific legal disputes Schwartz analyzes fail to unequivocally support his conclusions. Finally, I will suggest some modifications to Schwartz's theory. I hope that my engagement with Schwartz's ideas will contribute to a deeper understanding of the two systems of law.

I

The sources of Schwartz's conceptual apparatus should give us reason to pause before classifying rabbinic law as nominalist. Schwartz borrowed the terminology "realism" and "nominalism" from Y. Silman's article "Halakhic Determinations of a Nominalistic and Realistic Nature: Legal and Philosophical Considerations."[4] He quotes and endorses Silman's definition of the two approaches.[5] Silman's article was in large part a response to an essay by M. Silberg, "The Order of Holy Things as a Legal Entity," published in 1962.[6] Silberg argued that rabbinic law was fundamentally "naturalistic," or, in Silman's terms, "realistic." He claimed that halakhah worked for the rabbis in the same way as the laws of nature; halakhah affected its objects by a type of "physical causality" analogous to the ways in which the laws of nature operate upon the material world. Silman modified Silberg's thesis by arguing that halakhah reveals a "tension (עמות) between realism and nominalism."[7] He accepted Silberg's examples of realist trends and sought to balance the picture with examples of rabbinic nominalism—most of which, incidentally, derive from extremely late rabbinic sources or medieval commentaries. In no way was Silman claiming that rabbinic law was fundamentally or even predominantly nominalist, but only that nominalist tendencies should not be overlooked. Schwartz evidently seized upon Silman's nominalist examples but ignored or rejected his claims of a tension between the two tendencies.

As evidence of halakhic naturalism (= Silman's realism) Silberg pointed to notions of the change of personal status, such as betrothal, divorce, and widowhood; to the mechanisms of property law, such as ownership, inheritance, and gifting; to the establishment of liens and collateral; and to the way in which a prohibited status (איסור) "takes hold" of an object. Of course, Silberg conceded that neither the "molecular structure" nor "chemical nature" changes when a woman becomes

Y. Silman, "Halakhic Determinations of a Nominalistic and Realistic Nature: Legal and Philosophical Considerations," *Dine Yisrael* 12 (1984-85) 251 (Hebrew); see below.

[3] See C. Werman, "The Rules of Consuming and Covering the Blood in Priestly and Rabbinic Law," *RevQ* 64 (1994) 622-36; A. Shemesh, "4Q271.3: A Key to Sectarian Matrimonial Law," *JJS* 49 (1998) 250-51.

[4] *Dine Yisrael* 12 (1984-85) 249-66 (Hebrew).

[5] See n. 2. This definition and the subsequent use of the term is confusing. Nominalism and realism are philosophical terms related primarily to ontology (where nominalism holds that material objects do not exist independent of our perceptions and realism holds that they do), or to the problem of universals (whether universals have an objective existence or not) but Silman and Schwartz use them to refer to views of the "nature of law" (Schwartz, "Law and Truth," 230). "Legal realism," as used in contemporary legal discourse, has little to do with philosophical realism. It also differs from Silman's definition. Legal realists are skeptical of the claim that law is an independent, self-sufficient system of rules. Therefore, they encourage judges to take into account pragmatic factors as well as social, economic and political concerns when determining law. Silman's summary of the two approaches (and Schwartz's use of them) is actually closer to *legal positivism and natural law*. Positivism views law as the system of rules laid down by the authorities (in this case, God), regardless of whether the rules are moral or whether they correspond to reality ("a view of the commandments as orders resultant from the will of the commanding God"). Natural law understands law to derive from, or to be in harmony with, nature ("a view of the commandments as guidelines based in independently existing situations," i.e., in the natural order). Legal positivists can be philosophical realists. Schwartz actually calls rabbinic law "legalist" in one case (231), by which he means a narrow positivism, and the priestly position that of "natural law" (235). See also below on Silberg's use of "naturalistic" which became Silman's "realism." I will use the terms "nominalism" and "realism" as per Silman and Schwartz, but readers should be aware of the somewhat unconventional use. On these terms, see R.A. Posner, *Jurisprudence* (Cambridge, MA: Harvard University Press, 1990) 11, 19-20.

[6] *Sinai* 52 (1962) 8-18 (Hebrew). See also Silberg's book כך דרכו של תלמוד (Jerusalem: Hebrew University Students' Press, 1961) 1-12.

[7] Silman, "Halakhic Determinations," 250: "On the one hand halakhah displays nominalist tendencies whose purpose is to restrict, as much as possible, the meaning of legal concepts to the normative-legalist plane . . . On the other hand, halakhah also displays typical realistic tendencies in which the fundamental meaning of legal concepts does

divorced or a lien is placed on a property.[8] Still, he claimed that the rabbis believed that the halakhic act changed reality in some way, that a woman who received a halakhic divorce was now ontologically different than she had been, that the lien placed on property affected it in a manner analogous to a magnetic field suddenly placed on a metal object. An animal dedicated to the Temple entered the state of הקדש not because it is now called "sanctified" but because its reality now fundamentally differs from a profane animal with the status of חולין.[9] All this shows that halakhah corresponds to, affects and influences the nature of things in a very real way. Granted, the idea of nature to which rabbinic law corresponds is not equivalent to the modern, scientific view. Still, rabbinic law, for Silberg, fits the rabbinic view of nature, right or wrong.

Silman basically accepted Silberg's analysis and even amplified an important point which Silberg mentioned cursorily.[10] Silman emphasized that the rabbinic tendency to draw connections between unrelated fields of law evinces legal realism. In b. Qid. 7a, the Talmud derives laws of the betrothal of women (קידושי אשה) from the laws of sanctification of animals (הקדש בהמה). Elsewhere, the Talmud connects laws of slaughtering sacrificial animals for profane purposes to laws of writing a divorce document and to laws of the spread of impurity in a clay vessel. Examples of this sort abound. However, why should we expect any connection between the laws of betrothing women and the laws of dedicating animals to the Temple or between other disparate legal spheres? What do marital law and the rules of the Temple cult have in common? Only the assumption that there exists a unified underlying reality behind what appear to be discrete fields of law warrants such legal science.[11] These far-flung connections, for Silman, indicate a realist view of law since they presuppose a conception of a

not depend solely on the existence of a human realm. Their meaning depends on the plane of existence, in the test of characteristics that pertain directly to entities—concrete objects in the world." Under "legal concepts," (צורות) Silman includes ideas such as "prohibition," "impure," "sanctified," and "ownership."

[8] Silberg, "The Order of Holy Things," 10-11.

[9] Silberg, "The Order of Holy Things," 15-17.

[10] Silman, "Halakhic Determinations," 252-53.

[11] See also M. Golding, "Reasoning and the Authoritative Expansion of the Law: A Study in Jewish Legal Theory," *Studies in Jewish Philosophy* (ed. N.M. Samuelson; Lanham, MD: University Press of America, 1987) 427-28 and his comparison of physical and legal laws. See also M.A. Amiel, הדומות להקר והחלכה (Jerusalem: Ha'ivri, 1939) 1.25, 39-41.

natural order in which all legal spheres are interrelated. Nominalists cannot make such connections because disparate realms of law need not share a common underlying reality. Law devolves from the commandments of the authority independent of the nature of things, and therefore there is no reason to assume that such connections obtain.

What Schwartz made of Silman's and Silberg's examples of extensive realist tendencies in rabbinic law I do not know. Of course, Schwartz is entitled to borrow terminology and conceptualization from other scholars without endorsing their conclusions. However, it would be helpful to understand where he breaks with the analysis of his predecessors. We should hesitate to accept a wholesale categorization of rabbinic law as nominalistic based on the few examples Schwartz presents before taking stock of the widespread realist tendencies that Silman and Silberg highlight. Indeed, these overall tendencies—basic conceptions of personal status, ownership and so forth, and the relentless efforts to connect disparate fields of law—arguably provide a more accurate perspective on rabbinic law than isolated cases compared with their Qumran counterparts. Schwartz's brief observation that "there are various counter-examples" to his general description is inadequate.[12]

II

Schwartz presents six specific legal disputes and two "general statements" to establish the distinction between priestly realism and rabbinic nominalism. Let us examine these in turn.

(1) Polygamy. This is perhaps Schwartz's strongest example, at least for priestly realism. CD 4:21 accuses its opponents of marrying two wives although "the principle of creation (יסוד הבריאה) is 'male and female he created them (Gen. 1:27)'." Schwartz comments: "law must conform to nature, and since nature links one man to one woman, therefore polygamy—or perhaps remarriage—is forbidden."[13] Even if this is the view of the Qumran legislator, we must still ask whether rabbinic law is nominalist or simply a different realist position. The rabbis did not derive marriage law from the creation account (at least in this case), but I am not sure whether this means that they did not require law to "conform to nature" as they understood it. That God

[12] Schwartz, "Law and Truth," 235.

[13] Schwartz, "Law and Truth," 250.

created the first humans as one man with one woman is not necessarily indicative of nature any more than the creation of one couple indicates the natural state of global population, or the fact that Adam was a tiller of soil indicates that all men should be farmers.[14] Rabbinic law may have different assumptions about nature and thus be equally realist in permitting polygamy. If realism, for Schwartz, means that law is "based in independently existing situations," we may still debate *which* situations are critical for determining the law.[15] Thus, Schwartz has not made a convincing argument that the rabbinic endorsement of polygamy is nominalist.

A second factor that should be considered is the Qumran propensity to derive law from *narrative*. This may explain the Qumran legislators' appeal to Noah taking one female and one male animal into the ark as precedent for monogamy, also found in CD 4:21. Schwartz points out that "what God told a gentile to do" is an unusual basis for law. While this may be true, it is not clear that God's command to Noah evinces a realist perspective since the flood and its aftermath are not necessarily to be equated with creation or nature. Rather, the Qumran exegetes seem to have believed that the entire Torah, including its narratives, provides data for determining law.[16] To cite another example: Qumran law considers a man impure for three days following a seminal emission, in apparent conflict with Lev. 15:16, which states that the impurity lasts until that evening. The Qumran law evidently devolves from the narrative account of Exod. 19:15 where

[14] The Qumran exegete invokes Gen. 1:27 to support his case. He understood the words "Male and female he created them" to mean that God created *one* man with *one* woman. The verse, however, admits various interpretations.

[15] Schwartz, "Law and Truth," 231 n. 8. M. Kel. 17:14 observes that some products of the creations of the first and third days (the earth and trees) are subject to impurity (such as clay vessels), while products of the creations of the second, fourth and fifth days are not subject to impurity (such as vessels made from the skins of birds and fish), whereas all products of the creations of the sixth day (reptiles, animals and humans) are subject to impurity (such as tools made of bones), with only a few exceptions. While this may be a simple mnemonic, it seems to imply a substantive connection between creation and law, not unlike that of CD 4:21. Here too is a type of legal realism among the rabbis.

[16] Schwartz emphasizes that the Qumran legislator derives law "out of a statement found in narratives concerning mankind's prehistory. Why should law derive from physical anthropology or from what God told a Gentile to do at the time of the flood?" (231). I am suggesting that what mattered to the Qumran legislator was more the narrative itself than that the narrative was about "mankind's prehistory" or "physical anthropology" or God's instructions to Noah. Biblical narrative, after all, was revelation—God's word to be interpreted and applied. All data contained in narratives are

Moses instructs Israelite men to separate from their wives for three days prior to receiving the Torah.[17] Rabbinic law took Lev. 15:16 at face value and limited seminal impurity to one day, although it did use the three days of Exod. 19:15 for other purposes.[18] The Qumran exegetes and the rabbis may have had different ideas about the relevance of narrative to law, and the dispute over polygamy may be related to whether stories of the flood and creation should be taken into account when determining marriage law.

Finally, the legal dispute can be explained on exegetical grounds. Y. Yadin and G. Vermes have noted that the Qumran ban on polygamy is based on Lev. 18:18, "a woman and her sister you shall not marry in your lifetime" (ואשה אל אחתה לא תקח). The Qumran interpreters understood this phrase as "a woman and another," and found support for their interpretation in the creation account.[19] Now this criticism may be unfair, since Schwartz is trying to find systematic legal differences that ground numerous disputes rather than turning in each case to possible exegetical issues. On the other hand, where exegetical problems are evident, they should not be discounted. That this exegesis of Lev. 18:18 and the ban on polygamy are found among the Karaites suggests that the exegetical problem is real, unless we wish to claim that the Karaites too were legal realists.[20] However, I concede that the phrase "principle of creation" is significant, and that the Qumran law, at least phenomenologically, reflects a realist perspective.

(2) Slaughter of locusts. CD 12:14-15 rules that locusts must be killed either by fire or water since "that is what their nature requires" (כי הוא משפט בריאתם). The Qumran legislators apparently believed that such creatures were constituted from fire and water and concluded that

potentially significant, and that is why law should derive from "physical anthropology" or God's words to a gentile.

[17] J. Milgrom, "The Scriptural Foundations and Deviations in the Laws of Purity of the *Temple Scroll*," *Archaeology and History in the Dead Sea Scrolls* (ed. L.H. Schiffman; JSPSup 8; JSOT/ASOR Monograph Series 2; JSOT Press, 1990) 91. The Qumran law proscribes entering the Temple City for three days following an emission.

[18] M. Shab. 9:3; b. Shab. 86a.

[19] Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983) 1.355-56; G. Vermes, "Sectarian Matrimonial Halakhah in the Damascus Rule," *JJS* 25 (1974) 197-202.

[20] Yadin, *Temple Scroll*, 1.355-56 and n. 15. It is also possible that the Karaites had access to some sources of Sadducean law. See Y. Erder, "When did the Karaites First Encounter Apocryphic Literature Akin to the Dead Sea Scrolls?" *Cathedra* 42 (1987) 57-60 (Hebrew); idem, "Precedents Cited by Anan for the Postponement of Passover that Falls on Sabbath," *Zion* 52 (1987) 153-75 (Hebrew).

their slaughter must correspond to their elemental constitution.[21] This logic, argues Schwartz, reveals legal realism. Yet, if a principled legal realism were really at work we might expect that the Qumran laws of the slaughter of fish, fowl and animals would also fit the natures of the creatures. However, fish are cut apart and their blood poured out, while animals are slaughtered in standard biblical fashion.[22] Are these then examples of Qumran nominalism? Moreover, we find seemingly realist ideas in rabbinic sources. A *baraita* in b. Hul 27b states:

> A Galilean traveler expounded: Animals, which were created (שנבראו) from the land—they are permitted by [the cutting of] two organs [of the throat]. Fishes, which were created from the water—they are permitted by none at all.[23] Fowl, which were created from the skies, they are permitted by [the cutting of] one organ [of the throat].

Exactly how creation from the land, water or skies relates to the number of organs (viz., the windpipe and gullet) required for ritual slaughter is perhaps not clear to us. The rabbis, however, understood there to be such a relationship. The commentary of R. Samuel Edels (Maharsha; 1555-1631) is instructive in this regard:

> It seems to me, based on the knowledge of scientists, that the further an element is from the heavens the more it is corporeal and material. The earth, being the lowest element, is more material than the element of water which is upon it. Animals, therefore, the souls of which are from the earth, from the crude matter, need to be refined so as to raise up their matter for a human soul to eat, which is also created from the crude matter of the earth. Slaughtering by [cutting] two organs refines the animal matter, which is more crude, because the blood is the soul, and the main point of the commandment of slaughtering is to remove the blood of the soul. But fishes, which are created from the water, from the lighter matter, cause a human soul to be elevated when they are eaten even if they are simply gathered [out of the water, but not slaughtered]. And birds, which are created from the heavens, require a little refinement by means of [slaughter] by [cutting] one organ.[24]

I am not claiming that this sixteenth century commentator necessarily expresses the exact ideas of the rabbis, but that his explanation of a

[21] Rabbinic sources evidently shared the notion that such creatures were constituted from fire; see b. Ḥul 127a and b. Ḥag 27a.

[22] See CD 12:11-15. The Samaritans and some Karaites also prohibited the blood of fish; see N. Golb, "The Dietary Laws of the Damascus Covenant in Relation to Those of the Karaites," *JJS* 8 (1957) 55-56. The Karaites apparently understood the prohibition against a corpse (נבלה) to include the corpses of fish and not only of animals. See also L.H. Schiffman, "Sacral and Non-Sacral Slaughter according to the *Temple Scroll*," *Time to Prepare the Way in the Wilderness* (ed. D. Dimant and L.H. Schiffman; STDJ 16; Leiden: Brill, 1995) 69-84.

[23] That is, they require no formal slaughter, no cutting of any organs, to be permitted for consumption.

[24] Maharsha, ad b. Ḥul. 27a.

correspondence between law and nature accurately reflects the thrust of the rabbinic source. Note the similarity in terminology of the Qumran text (משפט בריאתם) and the *baraita* (נבראו מן). The rabbis may have agreed that locusts were made from fire and water but disputed whether this fact had legal consequences. I presume that both the rabbis and the priestly legislators agreed that locusts had six legs and came in certain colors, but neither side attached normative significance to these data. Again the question is *which* "independently existing situations" influence law. All systems of natural law or realism entail decisions about which aspects of nature impact the law and which aspects do not, and therefore differences of opinion on specific issues may arise among those who share this same general philosophy. Moreover, I am not sure whether the Qumran law reflects realism as much as analogical thinking or a type of measure-for-measure hermeneutic. Rabbinic law, at all events, evinces the same tendency.

(3) Marriages with nieces. Rabbinic law forbids a nephew from marrying his aunt, as explicitly stated in Lev. 18:13, but permits an uncle to marry his niece. Qumran law forbids the uncle/niece marriage on the grounds that "the rules of incest are written with reference to males and apply equally to women" (CD 5:9). For Schwartz, the rabbinic law is nominalist or "legalist": if God wanted to prohibit marriage between uncles and nieces he would have said so explicitly. The Qumran legislator, on the other hand,

> assumed that the union of a man and his aunt is forbidden because there is something wrong about union between people separated by only one generation and one lateral relationship, and therefore all such unions are forbidden. In other words the union is not wrong because God forbade it, as a nominalist might say. Rather God forbade it because it *is* wrong.[25]

Actually, the Qumran legislator explains his thought process, and it is a simple analogy from males to females. Such analogies are found throughout rabbinic literature, and if they reflect realism—for an analogy presupposes that the law corresponds to the true state of affairs such that similar affairs are governed by similar laws—then rabbinic law is deeply realist. In fact, the rabbis do analogize and expand the incest laws. T. Yev. 3:1 extends the laws of incest specified in Scripture to include one's grandmother, the wife of one's grandfather, the wife of one's grandson and several other relationships.[26] These

[25] Schwartz, "Law and Truth," 232; italics in the original.

[26] See M. Satlow, *Tasting the Dish: Rabbinic Rhetorics of Sexuality* (BJS 303; Atlanta: Scholars Press, 1995) 26.

extensions suggest that the rabbis believed that such sexual relationships really were wrong, despite the fact that Scripture did not call them wrong. Moreover, some rabbinic sources equate scriptural incest laws for both men and women and for generational separations in both directions. Thus, we find in b. San. 75a:

> What [scripture] makes males [subject to the same law] as females? It says here [Lev. 20:14] "depravity" and it says there [Lev. 18:17] "depravity." Just as there males [are subject to the same law] as females, so here below [are subject to the same law] as above.
>
> What [scripture] makes below [descendants] as above [ancestors]? It says here [Lev. 20:14] "depravity" and it says there [Lev. 18:17] "depravity." Just as there below [are subject to the same law] as above, so here below [are subject to the same law] as above.[27]

The extensions of the law are justified on exegetical grounds, in particular the use of a common word in two scriptures (זימה). However, note that the same thought process—and almost the same language—that appears in the Qumran law serves to equate males and females. Similar reasoning is attributed to Rav: "All [relationships with] females which are forbidden by the Torah, the wives of the corresponding males are forbidden. The father's sister is a forbidden female. The wife of the father's brother, the [corresponding] male, is forbidden . . ." (y. Yev. 2:4, 3d). Such statements reflect a belief that many unions are wrong, not that the only prohibited relationships are those called wrong by the Torah.[28]

Part of the problem with Schwartz's analysis devolves from the abstraction into which he translates the issue: "union between people separated by only one generation and one lateral relationship." By speaking of "people," separation "by generation," and "lateral relationship" instead of aunts, uncles, nieces, nephews, brothers and sisters, Schwartz construes the issue such that the laws of marriage with aunts and with nieces should be identical. His abstraction eliminates sex and the direction of generational separation. Perhaps this was the Qumran legislator's view, and perhaps it makes sense in our egalitarian society, but it is hardly the only possible view of nature. Why should the sex of the subject not make a difference such that a man may marry his niece but a woman may not marry her nephew even though both are lateral relationships separated by one generation? The two sexes are in fact governed by different marriage laws. Levirate marriage, for example, applies to a widowed, childless woman but not to a widowed, childless man. Why then should it be so unnatural that a woman marry her uncle but not her nephew? While both are "lateral relationships separated by one generation," the direction of separation differs. The question again is not whether forbidden relationships are wrong in Qumran thought and simply called wrong in the rabbinic view, but which relationships *are* in fact wrong and therefore prohibited by God.

Nor should exegetical considerations be overlooked, as I noted regarding the *baraita* cited above. S. Krauss has shown that the Samaritans, Falashas and Karaites also forbade marriages between uncles and nieces, which suggests that we are dealing with a limited exegetical question.[29] The curious rabbinic recommendation, not simply toleration, of marriages between uncles and nieces is well-known.[30] This may indicate that such relationships were common in rabbinic circles or in general Jewish society in antiquity. Moreover, agnatic endogamy, the marriage of a daughter to the father's brother and other relatives, serves an important function in societies marked by tension between matrilineal and patrilineal principles of descent. In these unions the mother and father come from the same patriline; consequently, lines of descent of their children can be traced exclusively through the father and the mother's role can be ignored.[31] The reform-minded exegetical purists at Qumran would have had no compunction about demanding the cessation of current practice based on their understanding of scripture and expectation of the dawn of a new age.[32] The rabbis reconciled social practice with revealed law by not analogizing the

[27] B. San. 75a; Sifra *Qedoshim* 9:17 (ed. I.H. Weiss; Vienna: Schlossberg, 1862) 92c. At issue is whether punishment by burning, which is only specified for some violations, applies to other violations as well.

[28] Another example: the Torah explicitly forbids sex with one's granddaughter, but says nothing explicit about sex with one's daughter (Lev. 18:10). If the rabbis had been nominalists/legalists, they might have accepted the law as is. How could they be so sure that sex with a daughter was forbidden? Yet they take it for granted that sex with one's daughter is prohibited. See y. San. 9:1, 26d.

[29] "Die Ehe zwischen Onkel und Nichte," *Studies in Jewish Literature Issued in Honor of Professor Kaufmann Kohler* (eds D. Philipson et al.; Berlin: Georg Reimer, 1913) 165-75. Schwartz refers to the article, 231 n. 7.

[30] B. Yev. 62b-63a. For additional sources, see Krauss, "Die Ehe," 168-72.

[31] See L. Hoffman, *Covenant of Blood: Circumcision and Gender in Rabbinic Judaism* (Chicago: University of Chicago Press, 1996) 42-44, based on N. Jay, *Throughout Your Generations Forever* (Chicago: University of Chicago Press, 1992) 98-99.

[32] See S. Talmon, "The Internal Diversification of Judaism in the Early Second Temple Period," *Jewish Civilization in the Hellenistic-Roman Period* (ed. S. Talmon; Sheffield: JSOT Press, 1991) 36-37: "In the resulting high-tension situation, the traditional forms of normal social life lost their meaning. Standing on the threshold of a

prohibition against marrying aunts to include uncles. Schwartz's phenomenological approach may discount the factors central to the dispute between the rabbis and Qumran.

(4) The impurity of animal bones. Schwartz notes that the Torah considers human bones to be sources of impurity but says nothing about animal bones (Num. 19:16). The Temple Scroll and (probably) the Sadducean opinion recorded in m. Yad. 4:7 deem animal bones impure.[33] Rabbinic sources rule that animal bones are not sources of impurity.[34] Schwartz takes this as evidence of a nominalist/realist divide:

> Shall one say that the law [of the Torah—J.R.] on human bones shows that bones are sources of impurity, and that God need not list all types of bones? Or should one say, rather, that if God mentioned human bones only, the law is limited to them alone? That is, are human bones impure because bones are impure, as realists might say, or are they impure because the Torah calls them impure, as nominalists would say?

In this analysis, however, Schwartz presupposes the ontological identity of human and animal bones and so casts the dispute into realist versus nominalist terms. The final sentence should read: "that is, are human bones impure because *human bones* are (i.e., really, ontologically) impure, as realists might say, or are they impure because the Torah calls them impure (i.e., and not because impurity exists in any real sense) as nominalists would say?" Whether animal bones are also impure is the very question at issue, and both realists and nominalists could legitimately ask it. For realists, the question is whether animal bones are similar ontologically to human bones. They could certainly decide that animal bones are different ontologically since humans and animals differ in important ways: human bones require burial, come from a being created in the image of God, will be resurrected in the eschaton, etc. For nominalists, the question is whether God intended the law to encompass other bones, such as those of animals and fish, whatever the ontological status of impurity and bones. Thus, the rabbinic ruling that animal bones are not sources of impurity may also reflect a realist approach. Their dispute with the Qumran legislators can be seen as a debate between two groups of legal realists over the nature of animal bones (whether animal bones are ontologically

new age which they expected to be governed by an ideal code of religious, social and political values, those millenarians saw no reason for abiding by accepted notions and maintaining established societal institutions."

[33] 11QT 51:4; Yadin, *Temple Scroll*, 1.338-41.

[34] M. Ḥul. 9:1; Sifra *Sherasim* 10:22 (55b).

identical to human bones or not), rather than a debate between realists and nominalists. By subtly generalizing from "human bones" to "bones," Schwartz stacks the deck such that only nominalists would rule that the former, but not the latter, are sources of impurity. I might agree with Schwartz if the Torah had ruled that ox bones are impure and the dispute between the rabbis and the Temple Scroll concerned whether sheep or goat bones are also impure. Here one would say that "God need not list all types" of animals, and if an interpreter claimed that only ox bones are impure, then he would be a nominalist. To move from humans to animals, however, is a very different matter because humans and animals can be said to differ ontologically to a degree that oxen and sheep do not.[35]

A related dispute regarding the impurity of bones militates against viewing this issue in nominalist versus realist terms, as Y. Elman has noted.[36] Does the law of the impurity of human bones pertain exclusively to bones from corpses or also to bones from living beings such as amputated limbs? The Temple Scroll seems to limit the law to the bones of the dead whereas rabbinic sources generally treat amputated bones as sources of impurity.[37] There is evidence that this law was the subject of polemics between the groups.[38] In this case, rabbinic law appears to be realist and the Qumran law nominalist. If human bones

[35] That is not to say that oxen and sheep do not differ, nor that one could not distinguish coherently between the two. Certainly in theory a legal distinction could be made between sheep and ox bones, especially in the modern era where we can identify differences in the DNA of the bone cells. Still, for the realist, the distinction must be relevant to the law at issue. Why should ox bones be impure and sheep bones not be impure if they are otherwise equal under the law?

[36] Y. Elman, "Some Remarks on 4QMMT and the Rabbinic Tradition, Or, When Is a Parallel not a Parallel?" *Reading 4QMMT: New Perspectives on Qumran Law and History* (eds J. Kampen and M. Bernstein; SBLSymS 2; Atlanta: Scholars Press, 1996) 100-2, 124-25.

[37] 11QT 50:4-7: "As for any man who shall touch upon the surface of a field a bone of a dead human or one killed by the sword, or a dead person, or the blood of a dead human or a grave, he shall be purified according to this ordinance." See Yadin, *Temple Scroll*, 1.334; Baumgarten, "The Pharisaic-Sadducean Controversies," 161-63. For rabbinic sources see m. ʿEd. 6:3; m. Kel. 1:5; t. ʿEd. 2:10; Sifre Num. §127 (ed. H.S. Horovitz; Jerusalem: Wahrmann, 1966) 165. In m. ʿEd. 6:3 and t. ʿEd. 2:10, R. Neḥunia considers an amputated bone to be a source of impurity whereas R. Eliezer and R. Yehoshua disagree. Thus, rabbinic sources actually contain both positions, and some rabbis agree with the Qumran law.

[38] 11QT 50:4-5 adds to its paraphrase of Num. 19:16, "the bones of a man," the word "dead" (see the previous note). Yadin, *Temple Scroll*, 1.334, notes that this addition is "an explanatory addition with distinctly polemical overtones." In contrast, the Palestinian Targum to Num. 19:16 takes care to mention the bones of the living: "or the bone of a living human that has separated from him."

are real sources of impurity, it should not matter whether the bone comes from a corpse or a living body. An amputated bone is indistinguishable from the bone of a corpse and just as dead. Only a nominalist would say that the biblical law stating that bones from corpses convey impurity tells us nothing about the impurity of amputated bones. Yet, that is the priestly position.

(5) The *niṣoq*.[39] Schwartz observes that the *niṣoq*—a stream of water flowing from a pure into an impure vessel—is considered pure by the rabbis and impure by the Sadducees and 4QMMT. 4QMMT explains, "for the liquid of streams and (that) of (the vessel) which receives them are alike (being) a single liquid."[40] For Schwartz, this indicates a realist approach since the bodies of water are in fact physically connected. The rabbinic position is apparently nominalist since it ignores the real flow, limiting the impurity to the lower vessel but ruling the stream itself pure. Schwartz offers the following analogy:

> Is there a difference between the Caribbean and the Atlantic? There is a difference in *name*, but is there *really* a difference? I believe that any court would recognize a difference between the two bodies of water if it had, for example, to enforce a contract concerning one or the other. But I also believe that *real* things, such as pollution, would not recognize any difference between the two. Similarly the Pharisees view the stream as distinct from the water in the basin, and the priestly jurists did not.[41]

This analogy does not necessarily fit. Liquids flow from high to low, especially when poured from one vessel into another.[42] Perhaps a more appropriate analogy is that of a mountain stream flowing down into a lower pool. In this case even "real things, such as pollution" would recognize a difference between the two. Pollution in the pool would not affect the waters of the stream. The dispute between the rabbis and Qumran, it seems to me, concerns the nature of impurity. Is impurity

[39] I grant here Schwartz's interpretation of the *niṣoq*, which is at present the *communis opinio*, and is based on understanding the law in 4QMMT B 57-58 in light of m. Yad. 4:7 and m. Toh. 8:9; see E. Qimron and J. Strugnell (eds), *Qumran Cave 4.V: Miqṣat Ma'aśe ha-Torah* (DJD 10; Oxford: Clarendon Press, 1994) 161-62. Recently Elman ("Some Remarks on 4QMMT," 105-24) questioned this interpretation of the law in 4QMMT and suggested several other possibilities. Elman observes that several of the possible meanings complicate Schwartz's nominalist/realist hypothesis (124-25).

[40] 4QMMT B 57-58; DJD 10.53.

[41] "Law and Truth," 232.

[42] The rabbis do not explicitly specify a downhill flow. However, that is how liquids flow, and it is probably implied in m. Toh. 8:9, which mentions the *niṣoq* together with a current on sloping ground (קשפרס) and dripping moisture. Because only two Mishnaic sources mention the *niṣoq*, it is difficult to speak of the rabbinic position with certitude.

a force like light or sound that will spread throughout connected bodies of water whatever the spatial configuration? Or is it like invisible bubbles or particles that cannot flow upstream any more than the water itself? The rabbis rule that corpse-impurity does not spread from one tent-space to another through an opening smaller than one cubic handbreadth. This suggests that they conceived of the "units" of impurity (or at least corpse-impurity) as larger than a cubic handbreadth. A complicated type of (meta-)physics governed the spread of impurity.[43] Both the rabbinic and Qumran laws are realist; the dispute concerns the nature of impurity.

The Mishnah's exemptions from the law of the *niṣoq* support this analysis. M. Maksh. 5:9 rules that all types of *niṣoq* are unclean "except for thick honey and batter. The School of Shammai says: also one of porridge made from grits or beans, since it springs backward." The sense of "springs backward" seems to be that some of the liquid remains on the mouth of the vessel when it is righted after the cessation of pouring and subsequently falls back into the original vessel. This residue of the stream, which had been connected to the impure vessel, enters the upper vessel and renders its liquid impure. Thick, viscous, slow-flowing liquids, because of their physical properties, thus allow impurity to spread upstream. While we might question the accuracy of rabbinic fluid dynamics, the law seems to conform to the rabbinic view of nature. Moreover, since some streams do convey impurity according to the anonymous opinion, and others according to the School of Shammai, we do find some realist opinions among the rabbis.

(6) Penal law. Schwartz notes that all legal systems sometimes allow offenders to go free if the evidence against them, though undeniable, does not conform to systemic rules. In order to preserve the integrity of the system, the guilty sometimes get off on technicalities. Rabbinic law requires that two witnesses testify against an offender; hence, crimes committed in the presence of a single person are not actionable. Qumran law, however, accepts the testimony of three single witnesses if each viewed a crime committed on a separate occasion (CD 9:16-22). This, Schwartz suggests, "results in making the legal process conform to reality."[44] Apparently, the rabbinic law is

[43] Consider too that impurity does not penetrate a closed, earthen container within the tent. This again suggests that the rabbis conceived of impurity as a force with defined physical properties.

[44] Schwartz, "Law and Truth," 232-33.

nominalist because a repeat offender will be called innocent although he is really guilty. The rabbis, says Schwartz, advocate that "one should do nothing" in these cases.

A number of objections argue against this analysis. First, in Qumran law as well offenders sometimes go free. The law explicitly specifies that if witnesses see the crime on only two separate occasions then the offender cannot be prosecuted.[45] Second, the same paragraph that rules on the permissibility of the three successive testimonies takes care to disqualify underage witnesses, namely those not yet twenty years old (CD 9:16-22).[46] If a nineteen-year-old—or even ten nineteen-year-olds—sees a crime, the Qumran court will not act. The same Qumran law also disqualifies as witnesses anyone who has "transgressed any of the commandments high-handedly." In none of these cases does the legal process "conform to reality." The difference between rabbinic and Qumran penal law is one of degree, not kind, and it is not a very significant degree. How often do three individual witnesses see a repeat offender and prosecute him on that basis?

Third, Schwartz acknowledges that the rabbis made certain provisions to punish those known to be guilty when the evidence did not conform to systemic rules, but he dismisses them as "special emergency powers" of an "extra-systemic nature."[47] True, these provisions are extra-systemic in that the rabbis would classify them as devolving from rabbinic authority (דרבנן) rather than the authority of Torah (דאורייתא); they are outside the Torah's system. However, because they appear explicitly and unapologetically in rabbinic sources, they are part of the rabbinic system as much as the *nisoq*. They testify to rabbinic realism: rabbinic law does not call the guilty "innocent" and insists that felons be punished.[48] To suggest that the rabbis endorse a "do nothing" policy is unjust. Indeed, on the basis of these rabbinic provisions an argument could be made that rabbinic law is more realist than its Qumran counterpart.

Fourth, the system of rabbinic penal law, especially as constructed in the Mishnah and Tosefta, is to some extent theoretical or utopian. As Schwartz notes, the rabbis tell stories of clear-cut crimes that were

[45] However, CD 9:20 does lay down a lesser penalty for such cases.

[46] See C. Rabin, *The Zadokite Documents* (Oxford: Clarendon Press, 1954) 49 n. 3; Yadin, *Temple Scroll*, 1.380-81; L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls* (BJS 33; Chico, CA: Scholars Press, 1983) 55-65.

[47] Schwartz, "Law and Truth," 233 n. 12.

[48] B. Mak. 6b, in fact, directs that these provisions be applied in cases where the testimony cannot be accepted for technical reasons.

not prosecuted. The requirement that the offender be warned, acknowledge the warning and immediately commit the crime demonstrates the theoretical nature of the system. Hence, according to one opinion in the Mishnah, a court "that executed a criminal [even] once every seven years is considered brutal," and according to another opinion, once every seventy years. R. Akiba and R. Tarfon claim that had they been on the court, no one ever would have been put to death (m. Mak. 9-10). The rabbis are setting out what perfect justice and absolute certitude entail. I hesitate to apply nominalist or realist categories to the penal law envisaged by a utopian document.[49]

Finally, the Qumran provision of accepting three separate reports, as Schwartz realizes, derives from biblical exegesis. The textual irritant is Deut. 17:6's superfluous phrase "by two or three witnesses." If two suffice why mention three? The rabbis also grappled with the mention of "three witnesses" and interpreted it along other lines (m. Mak. 1:7; b. Mak. 5b; b. B.B. 160b). It is also possible that the law of the goring ox, in which three separate goring incidents render the ox a "gorer," contributed to the Qumran law (Exod. 21:29).[50] Exegesis, not legal theory, is the primary difference between Qumran and rabbinic law. Again Schwartz minimizes the exegetical factor: "while this is biblical exegesis, it results in making the legal process conform to reality." In this case, however, the prominence of the textual irritant should give us pause before jumping to conclusions about the legal process in general.

Schwartz's second example from penal law is no more persuasive. The Pharisees rule that plotting witnesses must be punished, even killed, although their deception is discovered prior to the execution of the victim (Deut. 19:16-21; m. Mak. 1:6). The Sadducees only punish false witnesses with death if the court both convicts and executes the victim. Schwartz analyzes this dispute along nominalist/realist lines:

[49] The Tannaim could afford to set forth such ideal standards because the Romans did not allow Jewish courts to carry out capital punishment at this time. Moreover, the rabbis believed in divine justice; even if the human court released the criminal, God would punish him either in this world or the next. While Schwartz's phenomenological approach resists such historical or theological considerations, they cannot be ignored completely. (I am not implying that the Qumran legislator did not believe in divine justice. The point is that rabbinic law need not be construed in nominalist terms but should be understood as presupposing other, but equally real, mechanisms of justice.)

[50] B.A. Levine, "Damascus Document IX, 17-22—A New Translation and Comments," *RevQ* 8 (1973) 195-99; Schiffman, *Sectarian Law*, 78-81.

> Whatever exegetical arguments are reported, what this dispute amounts to is a dispute over the gravity of misleading the court. Pharisees, who take the decisions of the court very seriously, view the court's decision that someone must die as equivalent to killing him—and would, therefore punish as murderers those who wrongly engendered the decision. Sadducees, in contrast, refuse to punish as murderers people whose victims are really alive and well."[51]

This is hardly the most compelling way to interpret the dispute. While the Pharisees/rabbis may have taken "decisions of the court very seriously," to argue that they would consider a judicial decision as "equivalent to killing him" and prescribe capital punishment on that account is a stretch. The attention to courts, testimony and councils in the Qumran scrolls shows that the covenanters took the decisions of their courts every bit as seriously. This dispute probably devolves from the "exegetical arguments" that Schwartz wishes to discount.[52] However, if we wish to go beyond exegesis, a more plausible interpretation of the dispute relates to the issue of whether attempted murderers should receive the death penalty. Although the plotting witnesses succeeded in duping the court into convicting an innocent victim, they cannot really be considered "murderers" since their plot was uncovered prior to the execution. Legal systems in many cultures struggle with the appropriate punishment for attempted murderers, some considering the intention and attempt tantamount to the act and imposing capital punishment, and others mandating a lesser penalty. The issue is not whether the court's decision has the status of a real execution and the false witnesses the status of murderers, as Schwartz puts it, which would make the Pharisees nominalists and the Sadducees realists. The issue is the appropriate punishment for nearly-successful-attempted-murderers, and the plotting witnesses really are nearly-successful-attempted-murderers. In other words, different conceptions of justice may ground the dispute.

(7) Besides these examples, Schwartz claims that a "more general Qumran statement of the realist point of view" emerges from attitudes to the authority of the courts and to the calendar. While Deut. 17:8-13 insists that one act according to the דבר (word) of the judges, the Qumran paraphrases substitute תורה, thereby indicating that one should

[51] Schwartz, "Law and Truth," 233.

[52] The Mishnah explains that the Sadducean position is based on Deut. 19:21, "Nor must you show pity: life for life, eye for eye. . .," which implies that one takes a life only if the witnesses caused a loss of life. The dispute thus centers on whether Deut. 19:19, "you shall do to him as he plotted to do to his fellow," is interpreted in light of Deut. 19:21 or not.

follow the judges only if they rule in accord with the law.[53] Rabbinic sources, in contrast, insist that one follow the judges, whether right or wrong: "even if before your eyes they show you right as if it's left or left as if it's right, listen to them."[54] In other words, law, for the rabbis, is what the judges call law. For the Qumran realists one should follow the true law, irrespective of judicial pronouncements. In this case, however, rabbinic sources also express the opposite view, that one should obey the law, not an errant judge.[55] Schwartz alludes to these sources in a footnote but does not explain why they exemplify the rabbinic position any less, or why they should be excluded from the discussion. These conflicting attitudes to the authority of the courts within the rabbinic fold reflect the tension between nominalist and realist tendencies I outlined above. Schwartz, following Yadin, suggests that the Qumran emphasis on תורה, rather than the דבר of the judges, expresses a polemic. While this may be true,[56] the polemic is neither against rabbinic nominalism nor against the authority of judges but against rabbinic law per se. The point is that one should obey the תורה, i.e., what we know is the true law, as opposed to what their judges claim the law is.

The Qumran-Sadducean and rabbinic views on the calendar are a much better example. The famous story in which R. Akiba proves to R. Yehoshua that the new moon occurs when Rabban Gamaliel's court proclaims it, not when it "really" happens, rings of nominalism.[57] However, here too the rabbis had limits. In the preceding mishnah, R. Eleazar bar Zadoq states that if the new moon is not witnessed on the twenty-ninth, in which case that month has thirty days and the thirty-first day automatically becomes the first of the new month, then

[53] Schwartz, "Law and Truth," 234, citing 1QS 1:15, 3:10-11 and 11QT 56.

[54] Sifre Deut. §154 (ed. L. Finkelstein; New York: Jewish Theological Seminary, 1983) 207; Schwartz's translation ("Law and Truth," 234).

[55] Y. Hor. 1:1, 45d. See also the conflicting rabbinic sources discussed by J. Schorr, "Yerushalmi u-Bavli," *He-Ḥalutz* 6 (1861/2) 50-51.

[56] See, however, Qimron and Strugnell, DJD 10.139, who show that דבר sometimes means "case," "custom," or "commandment" in Qumran texts, and see nn. 42-46 there.

[57] M. R. ha-Sh. 2:8-9. Then again, since Rabban Gamaliel is opposed by other rabbis, namely R. Yehoshua and R. Dosa b. Harqinos, one could argue that realism finds its supporters among the rabbis as well. Schwartz's attempt to eliminate Yehoshua from the original controversy and to link Dosa b. Harqinos with the "sons of the priests" mentioned in other rabbinic sources, and hence with priestly realism, is both not persuasive and beside the point. The mishnah attributes the opposition to Yehoshua and so identifies him with Dosa's "realism." It is better to see a tension between nominalism and realism within rabbinic law than an alien realist influence originating with the "sons of the priests" adulterating rabbinic nominalism.

the court does not pronounce the new month sanctified, "since they have already sanctified it [in] heaven" (m. R. ha-Sh. 2:7). In this case, the heavenly bodies determine the calendar and no human court figures in the process. It follows, of course, that if the court should proclaim the new month on the thirty-second day, its pronouncement would be meaningless since months "really" consist of either twenty-nine or thirty days. Rabbinic calendrical law is not completely nominalist although it is more so than at Qumran.[58]

Schwartz's appeal to the controversy over the date of the Omer sacrifice is particularly problematic because of the prominent exegetical problem related to this issue. Certainly, as Schwartz notes, the Sadducees felt that the Pharisaic-rabbinic date of the Omer was "a clear case of rabbinic arrogation of authority to depart from the clear sense of what God said."[59] Certainly the Qumranites believed that "the festivals have their set times, according to the heavenly bodies which God ordained and fixed, and it is man's job to discover and observe them, not to determine them." However, their opposition to the Pharisees-rabbis, in this case, had less to do with nominalism than the interpretation of "the morrow of the שבת" in Lev. 23:11. The rabbis were wrong to interpret שבת not as "Sabbath," but as "festival," thereby offering the Omer sacrifice on the second day of Passover. The question is not whether the Omer sacrifice has a set time, nor whether humans arrogate authority by determining it, but what the Omer sacrifice's set time is, what exactly "God said" about it, and how one interprets the Torah to determine that fact. This is a question of exegesis, not legal philosophy.

In any event, the core motivation behind all the calendar controversies was probably not realist versus nominalist law but rather the desire of some Jewish groups to prevent the confluence of Sabbaths and festivals. At issue was the permissibility of bringing sacrifices on the Sabbath other than the daily *tamid* offerings and the Sabbath offering specifically ordained by Lev. 23:38. The rabbis decided that cultic activity generally took precedence over the Sabbath and insisted that the additional festival offerings be sacrificed. Other groups disagreed and therefore attempted to prevent the confluence of the Sabbath and

[58] Silman ("Halakhic Determinations," 261-62) provides an interesting discussion of the calendrical issue and demonstrates that some medieval jurists understood the court's determination of the calendar along realist lines. They claimed that the rabbinic calendrical determinations actually effected changes in the surrounding world, i.e., that the rabbinic decisions corresponded to "real" time.

[59] "Law and Truth," 235.

festivals so as not to face the conflict. The solar calendars of Jubilees and of the Qumran texts are constructed specifically to circumvent such situations which inevitably occur according to the rabbinic lunar-solar mode of reckoning.[60] This periodic violation of the Sabbath explains why the Sadducees were so upset about the rabbinic calendar and the date of the Omer: sometimes the rabbinic calendar resulted in the Omer sacrifice being brought on the Sabbath.[61] The rabbis, for their part, made no apologies and even constructed an elaborate ceremony embellishing the cutting of the Omer on the Sabbath (m. Men. 10:3). This dispute may be exegetical in origin, based on the problematic phrase in Lev. 23:38, "apart from your Sabbath offerings," though it may also devolve from different views of the nature of the Sabbath.[62] Either way, the dispute is not based primarily on the power of the court to determine the calendar and the related realist and nominalist considerations.

Where does this leave us? The disputes over polygamy, the slaughter of locusts and some aspects of the calendar lend themselves, at least to a certain degree, to the conflict of nominalism versus realism proposed by Schwartz. The other examples are less compelling. In particular, many rabbinic laws that Schwartz claims reflect nominalist legal tendencies can be described as realist according to an equally plausible analysis. This finding is consistent with what we would expect from the work of both Silberg, who claimed rabbinic law was fundamentally realist, and Silman, who argued for a tension between nominalism and realism. Legal disputes between the rabbinic and Qumran systems may simply result from different assumptions about reality.

[60] See Jub. 6:36-38; J. van Goudoever, *Biblical Calendars* (Leiden: Brill, 1959) 63; S. Talmon, "The Calendar of the Covenanters of the Judean Desert," ScrHier 4 (1958) 167-74; L.H. Schiffman, *The Halakhah at Qumran* (SJLA 16; Leiden: Brill, 1976) 84-133; J.M. Baumgarten, "The Calendars of the Book of Jubilees and the Temple Scroll," *VT* 37 (1987) 77; J. Rubenstein, "The Sadducees and the Water Libation," *JQR* 84 (1994) 439-43.

[61] See the fragment 4Q513 discussed by J.M. Baumgarten, "Polemics in New Fragments," *Biblical Archaeology Today* (ed. J. Amitai; Jerusalem: Israel Exploration Society, 1985) 395-97. The text condemns the opposing party, evidently precursors of the rabbis, for violating the Sabbath by performing the Omer ceremony.

[62] CD 11:17 rules that "no one should offer on the altar on the Sabbath, except the burnt offering of the Sabbath; for thus it is written 'apart from your Sabbath offerings' (Lev. 23:38)." Cf. m. Pes. 6:1, t. Pes. 4:13-14, y. Pes. 6:1, 33a, b. Pes. 66a. Even if the dispute over the calendar does not devolve from exegesis of Lev. 23:38, it should be understood as a dispute over Sabbath law, not legal philosophy.

A second reason for caution is Schwartz's policy of discounting or ignoring exegetical factors as the substance of the debate. This is not to say that Schwartz is unaware of the exegetical controversies at issue in each case. His goal is precisely to see the legal differences between the rabbis and Qumran as flowing from general principles and not as a miscellany of specific exegetical squabbles. Schwartz therefore adopts a phenomenological approach and emphasizes the bottom line—the practical difference between the two systems of law rather than the process through which the disputing positions were reached. Now certainly there is room for phenomenology in the study of ancient law, and those who consider exegesis and מדרש הלכה as post facto justifications for laws otherwise derived will be more inclined to accept Schwartz's conclusions. Yet, recent scholarship has tended to take rabbinic (and nonrabbinic) exegesis as a serious enterprise and not as apologetics.[63] However much we might wish to attribute the legal disputes between the rabbis and the Qumran exegetes to a conflict over legal philosophy, the truth may be that a miscellany of exegetical arguments provides a more accurate explanation; even Freud conceded that sometimes a cigar really is just a cigar.

Now that 4QMMT has been published with a detailed commentary by outstanding scholars, we are in a better position to examine the differences between Qumran-Sadducean and Pharisaic-rabbinic law than when Schwartz published his article in 1992. Here, after all, the Qumran legislators list their primary disputes with their opponents. They explicitly relate what they find objectionable about the competing system of law. Only two of Schwartz's examples appear in 4QMMT: liquid streams and the calendar.[64] There are sixteen other topics, and until Schwartz shows that the Qumran position is consistently realist and the corresponding opposing position nominalist, we should hesitate to accept his conceptualization. This is not the place

[63] See D. Boyarin, *Intertextuality and the Reading of Midrash* (Bloomington, IN: Indiana University Press, 1990); J. Kugel, "Two Introductions to Midrash," *Prooftexts* 3 (1983) 131-55.

[64] The calendar appears at the beginning of 4QMMT, not in the list of disputes. The disputes over animal bones, human bones and prohibited marriages (Qimron and Strugnell, DJD 10.170-75) are not those of Schwartz's examples. The ban on gentile wheat and sacrifices (148-50) may coincide with Schwartz's additional examples ("Law and Truth," 235 n. 20), but Schwartz's reconstruction and explanation are extremely speculative. See his *Studies in the Jewish Background of Christianity* (Tübingen: J.C.B. Mohr, 1992) 102-17. Qimron's suggestion that this dispute devolves from the interpretation of Lev. 1:2, "if one *of you* shall offer . . .," is a plausible and sufficient explanation (150).

for a full analysis of the disputes, but a cursory glance reveals that they are a protean miscellany that defies clean and neat generalization. Several of them are fundamentally exegetical, such as the dispute about the impurity of those preparing the red cow, which appears in rabbinic sources as the general problem of the טבול יום and turns on the exegesis of verses mentioning the setting of the sun in relation to the purification process.[65] The dispute over the purification of lepers devolves in part from the same issue.[66] The dispute over the fruits of the fourth year stems from the meaning of "holy . . . unto the Lord" in Lev. 19:24.[67] The editors consistently point to exegetical differences as underlying the halakhic disputes.[68] Several of the positions of the authors of 4QMMT coincide with those of Philo, the Samaritans or the Karaites.[69] This again suggests that the conflicts are exegetical, since in Schwartz's view Philo and the Karaites did not share the priestly mentality disposed to legal realism.

III

At this point we could accept Schwartz's theory in a slightly weaker form and conclude that Pharisaic-rabbinic law is more nominalist than Qumran-Sadducean law. However, before doing so I would like to add another consideration into the debate by pondering the classification of biblical law along the nominalist-realist spectrum. While Schwartz's main explanation for the difference between the priestly and rabbinic views of law relates to the sources of authority of priests and rabbis, he briefly notes a "precedent" to priestly realism in the biblical laws of leprosy.[70] A man who develops leprous symptoms after being

[65] See Qimron and Strugnell, DJD 10.152-54, and the references there.

[66] Qimron and Strugnell, DJD 10.169-70.

[67] Qimron and Strugnell, DJD 10.164-66.

[68] See Qimron and Strugnell, DJD 10.150 (topic 3, sacrifices by gentiles), 152 (topic 4, leaving cereal offerings overnight), 153 (topic 5, the red cow), 155-56 (topic 6, the purity of hides, regarding Lev. 11:39), 158-60 (topic 9, those forbidden to enter the congregation), 164-65 (topic 13, the fruits of the fourth year), 165-66 (topic 14, the cattle tithe), 170 (topic 15, lepers), 172 (topic 17, marriage between priests and Israelites). See also their general comments, pp. 133-34.

[69] Qimron and Strugnell, DJD 10.165.

[70] Rabbinic authority derives from mastery of law, from human institutions, and hence the rabbis had to insist on the accuracy of the pronouncements of their courts. Priestly authority derived from their birth and genealogy, from irrevocable facts, and therefore they could afford to adjust the law to outside reality and to make periodic changes. The genetic basis of priestly status presupposes that "nature and reality have authority in the realm of law" (Schwartz, "Law and Truth," 237).

declared pure by the priest is declared impure immediately (Lev. 13:34-37). He does not have to be quarantined and reexamined as at the outset of the process; the appearance of leprous signs proves that the priest's initial diagnosis was wrong and that the man is really diseased. Schwartz suggests that "[it] may well be that this biblical law indicates that a realist approach was typical of priestly jurists long before the Sadducees and the Qumran sectarians appeared." The nature of biblical law is a most relevant issue which deserves to be considered in greater depth. What is the view of the biblical legislators: nominalist or realist?

A moment's reflection yields the obvious answer: biblical law is realist.[71] If we assume that biblical law is a product of Ancient Israelite society and therefore reflects, expresses and enforces Ancient Israelite beliefs, then biblical law must be realist: it is connected to the Ancient Israelite worldview, that is, Ancient Israelite ideas about the nature of reality. The biblical legislators who laid down all the laws of impurity clearly believed that impurity was a real force; they condemned various incestuous relationships and sexual liaisons because they believed these "really" were wrong. Indeed, the laws of just about any society *with a living legal system* will undoubtedly be realist because laws will change as society's beliefs about reality changes. Of course, there may be a lag time as a new consensus emerges and as the legal mechanisms catch up to the state of belief. However, in most societies laws gradually will be replaced when they cease to be connected to a society's worldview. Thus, in the United States the laws requiring racial segregation and prohibiting miscegenation changed as society ceased to believe that some races were inferior and dangerous to others. The laws of minimal age for marriage and consent have been raised as American society has reevaluated its beliefs about the harms of marriage and sex to children and young teens. Laws against homosexuality and lesbianism are gradually being repealed as society changes its beliefs that such acts are "really" wrong.

The picture is different in societies where laws are more or less fixed, where the laws operative at a certain point in time become canonized. In such societies, the legal system cannot easily change to keep in step with changes in beliefs. Laws will therefore not always reflect and express a society's worldview, its beliefs about reality. The

[71] However, see n. 72.

more a society changes from the time when its laws were fixed, the greater the chance that some of its laws will lose connection to its ideas about the nature of things. In such cases, law will begin to exhibit nominalist tendencies. Some acts will be prohibited (called wrong) by law, even though society no longer believes that they really have pernicious effects. Now to some extent the legal tradition itself will influence beliefs and retard this process. Members of society will look to their legal tradition to inform their worldview. They will tend to conclude that the acts prohibited and mandated by their society's laws "really are" wrong or right because the laws say so. They will also subject their laws to exegesis so as to update them and make them appear to conform to the new beliefs. Still, where there have been powerful and protracted influences from surrounding cultures, or where the society itself has undergone substantial internal changes in its kinship structure or economic base (due to increased population, technological development, new prosperity, and so forth), certain aspects of law will lose their connection to that society's worldview. Members of society will still insist that the acts prohibited by laws are wrong, because they are enshrined in their sacred tradition, but they will not necessarily be able to explain *why* they are wrong, other than the fact that they are prohibited. This is tantamount to a nominalist perspective, and when pressed to interpret or apply such laws, legislators will adopt nominalist attitudes.

This latter situation characterizes both Qumran and rabbinic society.[72] The laws of their ancestors had been fixed with the redaction of the Pentateuch centuries earlier. Many social and cultural developments occurred in the preceding hundreds of years. The Israelites became Jews; Hebrew religion became Ancient Judaism; the "Second Temple Period" began. These designations are not merely scholarly conventions; they recognize that profound religious and social changes took place during this time. Jewish society was subject to a lengthy period of Persian, Greek and Roman influences. The worldviews of both Qumran and rabbinic societies began to differ to varying degrees from the worldview of Ancient Israel that grounded Pentateuchal law. Those differences make room for legal nominalism.

[72] For the same reason there may be a limited degree of nominalism in biblical law. If later biblical legislators (or the redactors of the Pentateuch) preserved fixed law codes from earlier times, as biblical source-criticism in fact suggests, then they too may have taken a nominalist stance towards these laws.

Yet, the gap between the rabbinic and biblical worldviews was much greater than the gap between the Qumran and biblical worldviews. First, Qumran-Sadducean law flourished before the destruction of the Temple when the sacrificial and purity laws were still in force. For the rabbis (though not for the Pharisees), whose laws derive for the most part from the post-destruction era, sacrifices and purities, as well as a good chunk of festival law, were largely theoretical. This does not mean that the rabbis ceased to believe in the efficacy of sacrifices or the reality of impurity, but they would be less likely to experience such practices in any real way. Second, Qumran society made a self-conscious effort to emulate biblical society and to live within biblical time.[73] As S. Talmon has observed:

> (Proto)Rabbinic Jewry viewed the biblical era as a closed chapter and their own times as being profoundly different from that preceding age. In contradistinction, the Covenanters perceived themselves as standing within the orbit of the biblical era and their community as the rejuvenated embodiment of biblical Israel.[74]

Their ideology was to model their society on the holy society described in the Pentateuch. Biblical tradition was more "alive" for them. Their "spiritual universe," their reality, was informed by the Bible in a much more powerful way than that of the rabbis.[75] Third, while it is a commonplace to insist that all segments of ancient Jewish society were Hellenized, the degree of Hellenization certainly varied. The Pharisees and rabbis were more open to Hellenistic influences and ideas than the Qumran covenanters, whose withdrawal to the Judean desert isolated them to some extent from foreign influences. The Hellenistic influence on the rabbinic worldview caused it to shift from that of the Bible. Finally, much rabbinic law derives from the second

[73] See S. Talmon, "Between the Bible and the Mishna," *The World of Qumran from Within* (Jerusalem; Magnes Press; Leiden: Brill, 1989) 21-48; idem, "The Community of the Renewed Covenant: Between Judaism and Christianity," *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls* (eds E.C. Ulrich and J.C. Vanderkam; Christianity and Judaism in Antiquity 10; Notre Dame, IN: University of Notre Dame Press, 1994) 12-21: "The Covenanters identify their community as the sole legitimate representative of biblical Israel . . . The Covenanters' understanding of ברית points up a fundamental variance between their posture vis-à-vis biblical Israel and the stance maintained by the Rabbinic faction . . . The Rabbis understood their existential situation to differ fundamentally from that of biblical Israel . . . The Sages conceived of the biblical era as a closed chapter, and of their own times as an intrinsically new phase in the history of Israel" (13-14).

[74] "Between the Bible and the Mishna," 25.

[75] The phrase "spiritual universe" is Talmon's; Talmon, "Between the Bible and the Mishna," 25.

or third centuries CE, a century or two after our surviving Qumran texts (and even more if we date 4QMMT to the second century BCE). This temporal distance also created a wider gap from the biblical worldview.

For all these reasons we should expect that nominalist tendencies would surface within rabbinic law, and that the degree of nominalism would be greater in rabbinic than Qumran law. To cite the classic example of rabbinic nominalism: R. Yohanan b. Zakkai explains the ritual of purification involving the red cow to a gentile as a type of magic, and then tells his disciples, "the corpse does not cause impurity, and the water does not purify, but this is the decree of the Holy One, blessed be He. The Holy One, blessed be He, says, 'I have legislated a law and imposed an edict, and you are not free to violate my edicts.'"[76] Interestingly, this idea appears nowhere in Tannaitic sources. It surfaces for the first time in the Pesiqta deRav Kahana, an Amoraic midrash dating to the fifth century CE. As noted above, we should expect that the biblical legal system influenced the early rabbinic worldview and restrained it from straying too far away. I would argue, following Silberg and Silman, that rabbinic law remains predominantly realist, but as time passes a limited degree of nominalism creeps in. Likewise, we should find some examples of nominalism within Qumran law due to the temporal distance and cultural change from biblical times, such as the case of the impurity of amputated human limbs discussed above.

Schwartz's introduction of nominalism and realism as categories with which to conceptualize the differences between Qumran-Sadducean and Pharisaic-rabbinic law is a welcome addition to the field. I have argued here that to see the two legal systems as binary opposites, to categorize Qumran law as strictly realist and rabbinic law as strictly nominalist, is too crude a distinction. Both systems exhibit realist and nominalist tendencies, although there may well be a greater degree of nominalism within rabbinic law. The distance of the two legal traditions from the biblical world, both temporally and ideologically, must also be taken into account. With these modifications, Schwartz's categories may still contribute a great deal to our understanding of ancient Jewish law.

[76] Silman, "Halakhic Determinations," 251, from *Pesiqta deRav Kahana* (ed. B. Mandelbaum; New York: Jewish Theological Seminary, 1987) 77.

Nominalism and Realism Again

Jeffrey L. Rubenstein

In the years since Daniel Schwartz's publication of "Law and Truth: On Qumran-Sadducean and Rabbinic Views of Law" in 1992 and my response "Nominalism and Realism in Qumranic and Rabbinic Law: A Reassessment" in 1999,[1] scholars seem to have reached a consensus of sorts that revises the rigid divide between a Sadducean-Priestly realism and a Pharisaic-rabbinic nominalism: Sadducean or "priestly" law is predominantly realist whereas Pharisaic law exhibits both realist and nominalist tendencies. Schwartz now agrees that "it is clear that realism is to be found in rabbinic law"[2]; Christine

1 Daniel Schwartz, "Law and Truth: On Qumran-Sadducean and Rabbinic Views of Law," in *The Dead Sea Scrolls: Forty Years of Research*, ed. D. Dimant and U. Rappaport (Leiden: Brill, 1992), 229–40; Jeffrey L. Rubenstein, "Nominalism and Realism in Qumranic and Rabbinic Law: A Reassessment," *DSD* 6 (1999): 157–83. Schwartz developed these ideas in a second article published in 1992, "Between Priests and Sages in the Second Temple Period," in *Variety of Opinions and Views in Jewish Culture II*, ed. Dror Kerem (Israeli Ministry of Education and Culture, 1992), 63–79 (Hebrew). He further elaborated on his claims in "*Qal vaḥomer* Arguments as Sadducean Realism," *Massekhet* 5 (2006): 145–56 (Hebrew), and "On Pharisees and Sadducees in the Mishnah: From Composition Criticism to History," in *Judaistik und neutestamentliche Wissenschaft: Standorte, Grenzen, Beziehungen*, ed. L. Doering et al. (Göttingen: Vandenhoeck & Ruprecht, 2008), 133–45. And see the following note.

2 Daniel Schwartz, "Priestly Judaism vs. Rabbinic Judaism: On Natural Religion and Religion of Choice," chapter 2 of *Judeans and Jews: Four Faces of Dichotomy in Ancient Jewish History* (Toronto: University of Toronto Press, 2014), 40, and throughout section III. (Henceforth: Schwartz, *Dichotomy*). A version of this chapter of *Judeans and Jews: Four Faces of Dichotomy in Ancient Jewish History*, including some more detailed responses to my 1999 article, was added to the Hebrew section of this volume (pp. 139-54 below) after the present article was already in proofs. Due to the late date of the inclusion, I was not able to add cross-references to this Hebrew version or address Schwartz's additional arguments.

Hayes, who wrote a detailed article in support of Schwartz's initial thesis, suggests "the difference between rabbinic law and Qumran law is not that the former is exclusively nominalist while the latter is realist. Rather, as I have been arguing, rabbinic law differs from Qumran law in that it incorporates a strain of nominalism according to which epistemological certainty in general, and empirical considerations in particular, may occasionally be devalued or overruled in the determination of law"[3]; Vered Noam, in her study of corpse-impurity, concludes: "Tannaitic halakhah embodies a realistic perception coupled with certain 'nominalistic' aspects"[4]; and Aharon Shemesh, in his book on Qumranic and rabbinic law states: "'Realism' is a dominant characteristic of priestly halakhah … Many rabbinic halakhot exhibit similar realistic perceptions. Nevertheless, over the course of time, rabbinic literature developed a growing tendency toward a nominalistic perception of the law."[5] This view is not far from what I suggested, that both priestly and rabbinic law was fundamentally realist, but that a degree of nominalism developed in rabbinic law as the worldview of rabbinic Judaism became increasingly different and estranged from that of the Bible. So on one level there is little need to reenter this battleground. However, there still appears to be disagreement and confusion over a number of issues, including the extent of rabbinic realism; the understanding of particular discrepancies between priestly and Pharisaic-rabbinic law; the relationship between realism, "nature," and "natural"; the degree to which nominalism is attested in priestly law;[6] and the role of exegesis in determining law. Here I will address these and other concerns with the hope of achieving greater

3 Christine Hayes, "Legal Realism and the Fashioning of Sectarians in Jewish Antiquity," in *Sects and Sectarians in Jewish History*, ed. Sacha Stern (Leiden: Brill, 2011), 129. See too p. 132: "The rabbis are not categorically anti-realist or anti-empirical. However, appeals to the natural order, to 'the way things really are' and to empirical considerations are weighed among other considerations and at times overruled."

4 Vered Noam, "Ritual Impurity in Tannaitic Literature: Two Opposing Perspectives," *JAJ* 1 (2010): 95.

5 Aharon Shemesh, abstract of *Halakhah in the Making: The Development of Jewish Law from Qumran to the Rabbis* (Berkeley: University of California Press, 2009). See too p. 134.

6 See Noam, "Ritual Impurity," 101–2, who argues that the Qumran laws on corpse impurity are "moderate augmentations" of biblical law and not a fully developed realist "system."

clarification and continuing the rich insights that have emerged from these scholarly debates.

I. Legal "Systems" and Comprehensive Legal Epistemologies

At the outset it is important to recall the motivation for proposing a comprehensive and system-wide theory to account for the differences between priestly and Pharisaic-rabbinic law. Many modern scholars, reared in the tradition of Western thought, find it unsettling to be confronted by a large body of data that defies neat and tidy conceptualization. Law, in particular, should be principled, rational, and, in some sense, philosophically grounded. That the hundreds or thousands of debates between two legal traditions should be just that—hundreds or thousands of debates over a myriad of diverse and unrelated issues—clashes with our propensity for philosophical generalization. By our standards there appears to be something ignoble, even petty, certainly primitive, for legal thinkers to argue over minutiae rather than over fundamental ideas. That we all routinely use the term "system"—the priestly and rabbinic legal "systems"—presupposes that we are in fact dealing with a "system," a coherent structure with interrelated and organized elements.[7] A system, we expect, can be conceptualized and described in general and principled ways.

Moreover, the degree of animosity and even violence that resulted from these ancient legal disputes suggests to us moderns that some larger principle must be at work. Is it plausible that the Qumran sect retreated to the Judean desert over a couple dozen disagreements about trivial points of law? Could they have felt so outraged that the Pharisees ate locusts without slaughtering them in the right way and did not understand how impurity travels upstream that they hauled themselves off to a God-forsaken wilderness to lead a purer life? Would the Jewish people indeed have pelted a Sadducean priest with citrons because he had the audacity to pour a water libation on the bottom, rather than the top, of the altar? No, we say to ourselves, there must be something larger, more fundamental, more principled and noble, at stake.

7 See, e.g., Schwartz, "Priestly Judaism vs. Rabbinic Judaism," n. 60. "Here I allude to yet another difference between the two legal systems." But I do not mean to single Schwartz out, as we all do this.

This same impetus has produced efforts to discern general principles and ideas underlying disparate opinions within rabbinic law itself. Most common, perhaps, is the search for systemic differences between the Houses of Hillel and Shammai, or "schools" as they are often called, implying "schools of thought." R. Eliezer's atypical and idiosyncratic rulings have been analyzed along similar lines, most notably by Yitzhak Gilat.[8] Likewise, scholars have sought fundamental differences between the "schools" of R. Ishmael and R. Akiba, and even among the opinions of the students of R. Akiba. Attempts have also been made to discern general principles behind the debates of various Amoraim.[9] This interest, of course, begins within the Talmuds themselves, as Amoraim often attempt to find a more general principle underlying several opinions of a given Tanna and to associate the rulings of several Tannaim on disparate particular questions with the same principle. The Bavli Stammaim in turn introduce even more general and abstract principles to encompass a greater breadth of tannaitic opinions, a trend that continues among the talmudic commentators.[10] There is certainly much to recommend these endeavors, as the particular rulings of many sages sometimes are indeed functions of more general principles or abstract ideas. At the same time, due caution is needed, as we can frequently discern incongruities between the principles articulated by later sages and the earlier positions they purportedly explain. In many cases, the more abstract and general the principle, the greater the degree of incongruity.

Schwartz in fact begins his Hebrew article "Between Sages and Priests" with a survey of earlier scholars who proposed systematic, comprehensive explanations for the divide between the two "systems" of law.[11] (In this article I follow Schwartz in treating "Sadducean," "Qumranic," and "priestly" law as synonymous, as sharing a fundamentally similar legal outlook, and likewise Pharisaic and rabbinic law, despite the complexities of this issue,

8 Yitzhak D. Gilat, *Rabbi Eliezer ben Hyrcanus: A Scholar Outcast* (Ramat Gan: Bar-Ilan University Press, 1984).

9 Barak Cohen, *The Legal Methodology of Late Nehardean Sages in Sasanian Babylonia* (Leiden: Brill, 2011).

10 Leib Moscovitz, *Talmudic Reasoning: From Casuistics to Conceptualization* (Tübingen: Mohr Siebeck, 2002); Jeffrey L. Rubenstein, "The Explanation of Tannaitic Sources by Abstract Principles," in *Neti'ot Ledavid: Jubilee Volume for David Weiss Halivni*, ed. Y. Elman, E. Halivni, and Z. Steinfeld (Jerusalem: Orhot Press, 2004), 275–304 (Hebrew).

11 Schwartz, "Between Priests and Sages," 63–64.

of which we are all aware.) He mentions the theories of Abraham Geiger, who argued that differences in political philosophy underpinned the legal disputes between the Pharisees and Sadducees; J. Z. Lauterbach, who saw the Sadducees as principled biblical literalists as opposed to the Pharisees who relied on oral traditions; Louis Finkelstein, who sought a sociological explanation, arguing that Pharisaic law reflected the interests of the urban classes while Sadducean law was that of land-holding aristocrats; and Yaacov Sussman and others, who see the Sadducean law as embodying "strictness" where the Pharisees tend toward "leniency."[12] Schwartz briefly notes the problems with each of these comprehensive and large-scale theories—and then immediately proceeds to propose his own comprehensive and large-scale theory of realism vs. nominalism. The motivation to find such an explanation is understandable, the appeal clear; but given these failures of the theories of the past, one might have concluded that the problem is not that the correct theory has yet to be discerned, but that the endeavor itself is futile. Ancient Jewish law in any given manifestation, whether priestly or rabbinic, is simply too diverse, complex, and multifaceted; too vast in the different areas it encompasses; too protean in its own sources and history, to be characterized under a single conceptual or theoretical rubric.[13]

The rabbis, in particular, were not a monolithic group, not simply a new name for the Pharisees, but an amalgamation of individuals and groups or schools, of which the Pharisees in whatever form they survived the destruction were but one element. Shaye Cohen's classic article, "The Significance of Yavneh: Pharisees, Rabbis, and the End of Jewish Sectarianism," brilliantly emphasizes that rabbinic Judaism managed to include different views of all sorts and achieved a form of coexistence, even if we recognize that there is a degree of anachronism in the extent to which Cohen argued that dispute was encouraged or idealized.[14] "The end of Jewish sectarianism" was accom-

12 Schwartz, "Between Priests and Sages," 64, with complete references. On this question see Cana Werman and Aharon Shemesh, *Revealing the Hidden: Exegesis and Halakha in the Qumran Scrolls* (Jerusalem: Bialik Institute, 2011), 141–42 (Hebrew).

13 Certainly on a smaller scale one will find many principles and general values underpinning a number of particular laws in many legal traditions. Cf. the observations of Yair Lorberbaum in this volume, section IV, "Are Generalizations of the Type 'Halakhic System X is Realistic/Nominalistic' Possible?"

14 Shaye J. D. Cohen, "The Significance of Yavneh: Pharisees, Rabbis, and the End of Jewish Sectarianism," *HUCA* 55 (1984): 27–53; Daniel Boyarin, *Border Lines:*

plished by absorbing disparate earlier elements and tolerating a diversity of opinion. That the opinions are attributed to individual Tannaim, and that these Tannaim number in the hundreds, point to a diverse, heterogeneous body of legal tradition. There may be some hyperbole in Cohen's claim that "rabbinic Judaism is dominated by pluralism, the ideology which allows the existence of conflicting truths. The truth is many, not one."[15] But whether we call rabbinic Judaism truly "pluralistic" or simply diverse and inclusive, this characteristic suggests that rabbinic law will not easily be identified with a single legal theory.

Moreover, as Seth Schwartz has suggested, priests were probably represented in significant numbers among the early rabbis: "We may speculate that the rabbis whom later tradition assigned to the immediate post-Destruction period were the battered, drastically reduced remnant of the large pre-Destruction class of legal/religious functionaries, many of whom were probably priests and/or sectarians."[16] He notes that many Tannaim are identified as priests, including R. Tarfon, R. Ishmael, R. Zadok, R. Yose the Priest, R. Judah the Priest, R. Eleazar b. Azariah and others.[17] Indeed, in Schwartz's view, "some of the material of priestly origin actually preserved in the Mishnah, Tosefta and halakhic midrashim *is* attributed to named priests,"[18] and he accordingly concludes that "the priestly Rabbis' contribution to Rabbinic Judaism was apparently considerable."[19] Catherine Hezser has collected a list of rabbis of priestly descent, both Tannaim and Amoraim, and likewise suggests that they "might have constituted a considerable proportion of the entire rabbinic network."[20] Azzan Yadin has argued that R. Ishmael was of priestly descent, and demonstrated affinities between the interpretive

The Partition of Judaeo-Christianity (Philadelphia: University of Pennsylvania Press, 2004), 155–201.

15 Cohen, "Significance of Yavneh," 47.

16 Seth Schwartz, "The Political Geography of Rabbinic Texts," in *The Cambridge Companion to Rabbinic Literature*, ed. Charlotte Fonrobert and Martin Jaffee (Cambridge: Cambridge University Press, 2007), 77.

17 Seth Schwartz, *Josephus and Judaean Politics* (Leiden: Brill, 1990), 101–2.

18 Ibid., 104.

19 Ibid., 105.

20 Catherine Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine* (Tübingen: Mohr Siebeck, 1997), 267.

methods and halakhic rulings of R. Ishmael and the authors of MMT.[21] For that matter the Pharisees, too, probably counted a fair share of priests among their number. Even if we do not believe that Josephus, a priest, was a card-carrying member of the Pharisees, his claim to have joined the group for some time is certainly plausible and such affiliation may well have been an attractive option for other young priests.[22]

It is therefore no surprise to find that priestly descent continued to count a great deal among the rabbis themselves. Hezser observes of the Palestinian Amoraim that: "Some rabbis wanted Torah scholarship to be the major criterion for determining a rabbi's status. Nevertheless hereditary criteria such as priesthood seem to have continued to play a role."[23] Geoffrey Herman has documented the importance of priestly lineage among Babylonian rabbis: leading Babylonian sages were of priestly descent (Shmuel, R. Ḥisda, Rabbah, Abbaye, R. Ashi, etc.), others married daughters of priests (Rava, R. Pappa, etc.) and many Amoraim whom Geonim considered heads of the academy were priests or married into priestly families, suggesting that attaining the highest ranks among the Amoraim depended on priestly lineage to some extent.[24] The esteem of lineage in the Sassanian world is well known, and lineage in the Roman empire was likewise extremely important, despite various measures taken over the centuries to expand Roman citizenship. However important knowledge of Torah in theory as the exclusive measure of a sage's merit and status, in practice lineage continued to be a crucial factor.

The presence of rabbis of priestly descent and the significance of priestly lineage among rabbis (and Pharisees?) makes it difficult to see our issue in terms of the "dichotomy" that Daniel Schwartz proposes, or to accept the claim that sages and priests "illustrate the sociologists' classic distinction

21 Azzan Yadin, "4QMMT, Rabbi Ishmael, and the Origins of Legal Midrash," *DSD* 10 (2003): 130–49. See, however, the comments of Werman and Shemesh, *Revealing the Hidden*, 141–43.

22 Whether Josephus was a Pharisee, as he claims in *Life* 12, is debated by scholars; see Jonathan Klawans, *Josephus and the Theologies of Ancient Judaism* (Oxford: Oxford University Press, 2012), 6–7, 137–39, and the literature cited there. In *Life* 198, Josephus refers to a Pharisee named Jozar who "came of a priestly family."

23 Hezser, *Social Structure*, 269.

24 Geoffrey Herman, *Hakohanim bebavel bitequfat hatalmud* (Master's thesis, Hebrew University, 1981); see too Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003), 80–101.

between ascribed and achieved status."[25] Rabbinic status also depended in part on "ascribed" facts of lineage. Moreover, it would have required some study of tradition for a priest to achieve status among Sadducees. Clearly he had to master the requisite knowledge so as to know what to do in the temple on a daily basis, and much more study would have been required to know how to deal with complicated or rare situations, and presumably even more study to achieve high status among his priestly colleagues as an authority on priestly tradition. The Qumran sect likewise engaged in a great deal of biblical study, and the status of the Teacher of Righteousness, whoever he was, probably owed a great deal to his knowledge, as perhaps did the status of other leaders of the group, not all of whom need have been priests. Consequently there was probably a substantial overlap between the status-claims of priests, Qumran sectarians, and Pharisees-rabbis in practice, even if in theory their authority devolved from different sources.[26] It is worth recalling that Louis Ginzberg concluded of the version of "the Damascus Document" known from the Cairo Geniza that it was the work of Pharisees because many of the laws had such affinity to Pharisaic-rabbinic halakhah ("with the exception of a single passage…. in our document we have a Pharisaic book of law").[27] Discovery of the Qumran scrolls made it clear that this was a mistake. But it seems very unlikely to me that a great scholar like Ginzberg could have identified the "priestly" law as Pharisaic if the two legal traditions are in fact as fundamentally different as Schwartz posits.

Over and above this larger point, Schwartz tries to dismiss attestations of realism among the rabbis by focusing on their attribution to priests, to rabbis of priestly descent, or to other anomalous figures. He notes that Vered Noam has shown Eliezer b. Hyrcanus' views are particularly realistic, but claims that for this reason he was excommunicated, and also suggests that he may have been a priest. Schwartz recognizes that a number of realistic opinions are attributed to R. Dosa b. Hyrcanus and opines that this sage was "the flagship for the realistic point of view," but explains that Dosa's

25 Schwartz, *Dichotomy*, 22.

26 Cf. Lutz Doering, "Jewish Law in the Dead Sea Scrolls," in *The Hebrew Bible in Light of the Dead Sea Scrolls*, ed. N. David et al. (Göttingen: Vandenhoeck & Ruprecht, 2012), 457–58.

27 Louis Ginzberg, *An Unknown Jewish Sect* (reprint; New York: Jewish Theological Seminary, 1970 [1922]). Chaim Rabin came to the same conclusion, *Qumran Studies* (Oxford: Oxford University Press, 1957), esp. 82–94.

opinions are rejected by other rabbis. A realist opinion attributed by the Bavli to a Galilean traveler is an aberration because other sources suggest the term "Galilean" was pejorative or disdainful "and should not be assumed to represent the views taught by rabbis who stood behind that work." Similarly, Christine Hayes notes that the realist view in the calendar controversies in *m. Rosh HaShanah* are attributed to a "priestly figure," R. Dosa b. Hyrcanus (or Harkinas), and R. Eleazar b. Zadok, a priest.[28] But so what? If rabbinic Judaism is so overwhelmingly nominalist as a function of achieved status, we should not find any realist opinions advocated by rabbis. Whatever the origins of Dosa b. Hyrcanus/Harqinas, Eleazar b. Zadoq, and R. Eliezer b. Hyrcanus, they are rabbis because of their knowledge of Torah, and their opinions, according to Schwartz's theory, should not differ in this respect from those of other rabbis. On the other hand, if we see these rabbis as possessing older "priestly traditions" (and it is not clear that their opinions are older than, or coeval with and simply different from, those of their disputants), then what is to say that a great body of rabbinic tradition is not older and priestly, even if not identified as such, much as Seth Schwartz suggests? Many mishnaic traditions are unattributed, not identified with a particular sage, and could originate in older priestly traditions, especially traditions that have to do with sacrifices and purities.

Nor are Daniel Schwartz's other efforts to dismiss such realist traditions among rabbis persuasive. R. Eliezer was not banned (in the rabbinic imagination) because of his priestly realism, but because he refused to accept the majority decision (in the famous "Oven of Akhnai" stories of the Bavli and Yerushalmi; no tannaitic source dismisses R. Eliezer's opinions or suggests he was banned). Not all of Dosa b. Hyrcanus' opinions are disputed and rejected. No evidence suggests the Bavli disregards all traditions ascribed to Galileans, or even that this was such a term of opprobrium, or that the opprobrium attached to their legal traditions rather than their social status or provenance. The realist opinion (in Schwartz's view) attributed to the "sons of the high priests" in *m. Ketub.* 13:2 and opposed by (the nominalist)

28 Hayes, "Legal Realism," 127–28 and n. 16. Hayes in fact writes that the "text therefore supports Schwartz's claim that realist approaches to the law are more typical of priests and groups with a priestly orientation." This is not really what Schwartz claimed, at least not in his original article. At issue is not what was "more typical," but whether realist approaches to law fairly could be said to characterize rabbinic Judaism too. On Dosa b. Hyrcanus as representative of realism see too Schwartz, "On Pharisees and Sadducees," 140–43.

R. Yoḥanan b. Zakkai remains a legitimate rabbinic opinion, and nothing in that mishnah itself suggests R. Yoḥanan b. Zakkai's opinion is to be preferred. Many parties, groups, and schools, as well as individuals of many sorts, and a considerable number of priests too, contributed opinions to the immense body of rabbinic tradition.[29] There is a tremendous danger of reductionism in any attempt to subsume these under a single rubric. And the same can probably be said, though to a lesser degree, of priestly law, which also had a long history and devolved from many sources.

II. Realism, Nature, and the *Qal vaḥomer*

One of the major problems in Schwartz's thinking on our subject is a slippage from a focus on legal realism to "nature" and the "natural." In the follow-up articles to "Law and Truth," Schwartz attempts to hold on to his original thesis, even while conceding something to rabbinic realism, by focusing on the explicit debates between the Pharisees and Sadducees preserved in rabbinic sources. In a number of these debates, the Sadducees advance a *qal vaḥomer* argument that is rejected by the Pharisees. Schwartz attempts to portray such reasoning as "natural": the title of a chapter of his new book uses the term "Natural Religion" for the Sadducean system, and the subtitle of one section is "Arguments a fortiori – Natural arguments."[30] The claim is that such arguments are natural, and natural arguments are a type of legal realism (since legal realism devolves from the real/natural world), and therefore we have evidence of Pharisaic-Sadducean debates turning on realism (natural arguments) vs. nominalism. But this shift to the terminology of "nature" and "natural" is very unfortunate, as it only serves to obfuscate matters further.[31]

29 Aharon Shemesh, *Halakhah in the Making*, 134: "The fact that the School of Shammai's attitude resembles that of the priestly halakhah should not surprise us. In not a few cases, the halakhic stance of the School of Shammai is much closer to the sectarian halakhah than that of the School of Hillel."

30 See too "On Pharisees and Sadducees in the Mishnah," 139: "Now it should be noted that arguments *a minori ad maius*, what the rabbis call *qal vaḥomer* arguments, are very natural arguments."

31 Let me point out, in passing, that even Schwartz's leading examples of legal realism based on the mention of "nature" or "creation" are not straightforward. Schwartz, "Law and Truth," 231, observes that CD 12:14–15 rules that locusts (*ḥagavim*) "must be slaughtered by immersing them in fire or water, כי היא משפט בריאתם –'for such is what their nature requires.'" They believed locusts were

It must be stated at the outset that there is very little natural or logical about a *qal vaḥomer* argument. Argumentation and inferences of any sort are clearly not found in nature, and should not be confused with standard usage of the term "nature."[32] Schwartz uses "natural" here in opposition to "artificial,"[33] in the sense of "commonplace" or "intuitively obvious," meaning that they are the type of arguments all human beings would make, and need not even be associated with a particular legal tradition. But even this is questionable. If *qal vaḥomer* arguments were so natural, they would be found among the general thinking of all peoples and cultures, from the Australian aborigines to the South American Amazon tribes. And even if they are natural in this strained sense of the term, it is a jump to suggest that they will necessarily be part of the legal system or legal reasoning of any given culture. Long ago David Daube made these and other points in his response to Saul Lieberman's claim that the *qal vaḥomer* and other rabbinic hermeneutical principles were so natural that the rabbis could have developed them independently and hence they need not be seen as the product of Hellenistic influence despite some striking parallels in terminology.[34] Daube noted that: "Medieval Icelandic law is of a high standard; if the norms of exegesis here discussed were so natural, we should expect to find them there, but there is no trace of them."[35] He concluded that the *qal vaḥomer* (and the other rabbinic exegetical methods ascribed to Hillel) "is 'natural' in the sense of 'grown out of intelligent observation, consistent and useful.' (So, presumably, is the theory of relativity.) But (like the theory of relativity) it is not 'natural'—not

created out of these elements, and therefore consumption of locusts "is to be determined on the basis of the realities of nature." But how exactly does the law emerge from the ontology? There is nothing necessarily "natural" or "realistic" that entails that a creature created of fire and water need be slaughtered by fire or water. This strikes me more as a type of analogical thinking that may or may not be grounded in legal realism. What would we say for domestic animals? What is "their nature" (*beriʾatam*) and how does "what their nature requires" work out to ritual slaughter (*sheḥiṭah*) in whatever form they practiced it? The formulation "for such is what their nature requires" is certainly suggestive, but it need not correspond to legal realism.

32 Cf. Lorberbaum, "Riʾalizm hilkhati," *Shenaton hamishpat haʾivri* 29 (2013): 130 n. 180.

33 Probably an Enlightenment notion; see n. 43.

34 David Daube, "Rabbinic Methods of Interpretation and Hellenistic Rhetoric," *HUCA* 22 (1949): 239–64.

35 Ibid., 254–55.

even the first four norms—in the sense of 'obvious, readily hit upon by any student of these matters.'"[36]

Nor is a *qal vaḥomer,* strictly speaking, a type of logical inference, though it can be presented and misrepresented as such. Schwartz offers us a misleading example to argue that a *qal vaḥomer* is "straightforward and anchored in simple logic": "If I don't have enough money for my own bus-fare then it is all the more so clear that I do not have enough for my companion too, but if I have enough for the two of us then it is all the more so clear that I will have enough if my companion decides to walk."[37] This particular *qal vaḥomer* expresses a mathematical proposition. The first half states that if $x < y$, then $x < 2y$, where x is the amount of money one has, and y is bus-fare for one person; the second states that if $x \geq 2y$, then $x > y$. But most *qal vaḥomer* arguments cannot be translated into mathematics, and that is why they are not natural or logical. (And even this *qal vaḥomer* is not, strictly speaking, logically entailed, as there is no logical reason why a bus company could not offer a super-discount such that two people could ride more cheaply than one, as a way to drum up business or to attract attention, or to have their buses appear full, and suchlike.) Even Schwartz's sense that *qal vaḥomer* arguments are common sense ("we use them intuitively all the time"[38]) is misleading. We may use some types of these arguments all the time, but not the technical, legal *qal vaḥomer* used to adjudicate thorny legal issues, as Daube also noted.[39] For example, the argument, "If you get punished for breaking a window, how much the more so for knocking down the whole house" is a far cry from, say, the famous *qal vaḥomer* ascribed to Hillel "proving" that the Passover offering supersedes the Sabbath. Hillel's technical, legal *qal vaḥomer* was obviously not as straightforward as our examples about bus-fare and breaking windows or else the Benei Betera would not have needed Hillel to explicate it for them (in the well-known

36 Ibid., 256–57.

37 Schwartz, *Dichotomy*, 41. In "*Qal vaḥomer* Arguments as Sadducean Realism," 155, the example is similar: "Any simpleton knows that if the money in his pocket does not suffice to buy something inexpensive, *qal vaḥomer* it will not suffice to buy something expensive."

38 Schwartz, *Dichotomy*, 41.

39 Daube, "Rabbinic Methods," 255–56.

fictional rabbinic story[40]), nor would they have appointed him Nasi on the basis of such an obvious and "natural" demonstration.

A *qal vaḥomer* is in fact a type of analogy.[41] It is predicated on the fact that two items (or cases, laws, concepts, etc.) are similar in many respects, but can be related in such a way that one appears to be "weightier" (superior or greater or stricter, etc.) than the other. The apparent logic rests in the argument that if an additional quality or factor is true of the superior or greater item, it will be true of the "lighter" (inferior or lesser) too. The logic is only apparent, however, because it presupposes both the analogy, that the two items are in fact similar, as well as the direction of the relationship, that one item is in fact superior or greater than the other, for the "logic" to work, and these considerations are not matters of logic (except in the case of mathematics, as in Schwartz's example). Remove the similarity or the direction of the relationship between the items and the logic of the *qal vaḥomer* falls apart. That is why the standard rabbinic attack on a *qal vaḥomer* points out that the putative "lighter" entity has a characteristic that the "weightier" item does not, which means that it is not necessarily "lighter." For this reason too one can frequently reverse a *qal vaḥomer*. Consider the following: "I can legally take money from my pocket. But I can't legally take money from your pocket. You, who can legally take money from your pocket, *qal vaḥomer* can legally take money from my pocket." The same argument can be used to prove that I can legally take money from your pocket. The problem of course is that the claim to "weightiness," that you but not I can take money from your pocket, is a chimera, as there are countless things I can do that you can't.

By no means do I want to suggest that Schwartz is unaware of these features or how such arguments work. He notes that, "If the facts, as to what

40 *T. Pes*. 4:13–14; *b. Pes*. 66a; *y. Pes*. 6:1 (33a). However, in the PT story the *qal vaḥomer* is rejected by Hillel's interlocutors, and a similar difficulty is raised in the Bavli's discussion of the story, which again shows the problems with the method. That Hillel embraced this method (to the extent the stories preserve a grain of historical truth; cf. *t. Sanh*. 7:5) with such salutary results again vitiates the claim that the *qal vaḥomer* was more characteristic of Sadducean than Pharisaic method.

41 See Moshe Bernstein and S. A. Koyfman, "The Interpretation of Biblical Law in the Dead Sea Scrolls: Forms and Methods," in *Biblical Interpretation at Qumran*, ed. M. Henze (Grand Rapids, MI: Eerdmans, 2005), 79, which discusses the *qal vaḥomer* as found in the corpus of Dead Sea Scrolls. They characterize the method as "fundamentally … an argument from analogy supported by logic" (attributing this description to Rabbi Jeremy Wieder).

is 'light' and what is 'heavy' and as to what the relevant status of one of them is, the conclusion about the relevant status of the other follow ineluctably." But I believe he has not appreciated that this is a very, very big "if," as the "facts" about what is light and heavy can generally be called into question, because we are generally not dealing with math or the intuitively obvious.[42]

That *qal vaḥomer* arguments are problematic and uncertain, that they can be reversed, and that they are easily undermined, underscores that such arguments are not natural or logical. I am not even sure if we can grant Schwartz's claim that they are "the most natural" of the rabbinic hermeneutical techniques (*middot)*, as only they "are a function of content alone (*hi hayeḥidah hamufneit kelapei tokhen bilvad)* and not of the text."[43] For "natural" here has a

42 In "*Qal vaḥomer* Arguments as Sadducean Realism," 153, Schwartz even refers in a footnote to the spurious *qal vaḥomer* asked by R. Yose b. Tadai of Tiberias of Rabban Gamaliel in *Derekh Eretz Rabbah,* ed. Higger, 267–68 (the attribution varies in the parallels): "I am permitted [to cohabit] with my wife, but forbidden with her daughter. So the wife of another man, with whom I am forbidden, how much the more so should I be forbidden with her daughter." But this *qal vaḥomer* does not differ formally from any other *qal vaḥomer* argument, and should have served to underscore the problems with the method itself. If a *qal vaḥomer* attributed to a rabbi can be specious, how much the more so a *qal vaḥomer* attributed to the Sadducees. Indeed, Schwartz acknowledges that some *qal vaḥomer* arguments attributed to the Sadducees are "extremely weak," such as the argument in *m. Yad.* 4:7: "If I am responsible for the damage caused by my ox and ass, about which I have no commandments, then is it not logical (*eino din*) that I am responsible for the damage caused by my slave and maidservant, about whom I do have commandments?" But he does not follow this observation with the conclusion that *qal vaḥomer* arguments *in general* are problematic and uncertain. Rather he argues that "it was apparently important to the Tannaim to attribute *qal vaḥomer* claims to the Sadducees, because this fits with the general picture we have seen."

43 "*Qal vaḥomer* Arguments as Sadducean Realism," 155. Even this point can be questioned. Hayes, "Legal Realism," 129, notes that analogies are a type of taxonomic thinking that "can be employed in ways that reflect a realist approach or a nominalist approach. The analogies of a realist tend to be based on appeals to nature" while "the analogies of a nominalist are arguably less naturalistic and empirical." As an example she presents a rabbinic *gezerah shavah* that extends incest prohibitions based on the appearance of the word "depravity" in Lev 20:14 and Lev 18:17 (from *b. Sanh*. 75a). She argues that this analogy is "artificially manufactured on the basis of a linguistic connection between the *verses* rather than the cases analogized." I am troubled by the use of "artificial" here. The notion of "artificial" in opposition to "natural" is to the best of my knowledge an Enlightenment notion (although the word "artificial" is used already in the Renaissance). In any case Hayes is really using these terms for the "contextual" or

very specific meaning that relates to common sense notions found in a given culture. But even if we do grant this point, it does not mean such arguments are "natural" in the sense of inhering in an ontological reality or in the real world, and they should not be connected with legal realism. That "content" upon which they are predicated has nothing to do with nature, but is the complex culture of ancient Jewish concepts, institutions, rules, traditions and so forth. Schwartz has made a significant and fascinating observation that rabbinic sources have a propensity to attribute *qal vaḥomer* arguments to Sadducees, as well as to heretics of various types.[44] The explanation for this tendency must be sought elsewhere, and not connected with legal realism or nominalism (or "nature").[45] That rabbinic sources attribute such arguments to the Sadducees thus may tell us more about (anachronistic) rabbinic perceptions than about Sadducean/priestly legal methods, even if the legal positions attributed to the Sadducees are accurately preserved.

Let me turn to a specific example that exemplifies the confusion that results from portraying *qal vaḥomer* arguments as "natural." As an illustration of what "existing in nature" means, Schwartz offers a detailed analysis of the Sadducees' argument that animal bones should be impure based on a *qal vaḥomer* with human bones.[46] He claims that "the argument depends entirely on the third step – the assertion that if something is impure, the impurity must be somewhere within it." In fact the argument depends entirely on the sixth step, that "humanity" is superior to "animalness," which established

"simple" understanding of a text (=natural) and a midrashic reading (=artificial). But this presupposes our modern interpretive biases and simply takes them as "natural." For the rabbis the *gezerah shavah*, the "connection between the *verses*," is not artificial, not unnatural; it is no less indicative of the nature of things than other forms of revelation, like the creation account and "special revelation of cosmic realities" that Hayes points to as the source of knowledge of realists. So it is not clear to me that the rabbinic hermeneutical rules can be fairly characterized as "unnatural" or "less naturalistic" without imposing contemporary notions on these interpretive techniques.

44 See too Hayes on the rabbinic construction of Sadducees and heretics, "Legal Realism," 133–45.

45 And it may be worth bearing in mind, as Bernstein and Koyfman have noted, that in fact "we know of only one (or perhaps two) possible example(s) of it (= a *qal vaḥomer* argument—J.R.) in the scrolls"; see "Interpretation of Biblical Law," 79. We would expect more if the *qal vaḥomer* was so characteristic of Qumranic/priestly law.

46 Schwartz, *Dichotomy*, 31.

the direction of the relationship of humans as "weighty" and animals as "light," and allows the Sadducees to conclude that what applies to humans must necessarily apply to animals. However, that "humanity is superior to animalness" is not necessarily true. Some laws apply to animals, not humans, and animals have all sorts of "natural" characteristics humans do not, and vice versa. Maimonides famously observed near the end of *The Guide of the Perplexed* (3:54) that even the strongest human is not as strong as a mule or elephant, i.e., that animals are "superior" to humans in the quest for physical perfection. In other words, there is nothing illogical or "unnatural" about maintaining that human bones are ontologically different than animal bones, and that they alone convey impurity, hence nothing nominalist about rejecting the *qal vaḥomer*. A realist can legitimately maintain that the bones of humans, which require burial, which come from a creature created in the image of God, and so forth, therefore convey impurity, whereas the bones of animals, which can be killed or slaughtered for human purposes, do not. For this reason the rabbinic position need not be seen as nominalist, but as a different realism.[47]

At all events, the fact that rabbinic sources are chock full of *qal vaḥomer* arguments militates against linking this method to a realist/nominalist divide. To explain away this phenomenon Schwartz argues that "the fact that later, and/or when among themselves and not competing with others, the rabbis too are often willing to employ such arguments … does not undermine the basic point that when they wanted to be consistent, in the face of competitors, they eschewed such arguments."[48] That is to say, the nominalist rabbis perforce argued against nature/realism when debating their opponents, but

47 Schwartz paraphrases the Pharisaic/rabbinic thinking as follows: "The Torah called them impure so as to serve a certain purpose: The point of the law is to prevent people from retaining bones of their loved ones as mementos, but rather to bury the dead in their entirety, and that was achieved by declaring human bones impure." This is not exact. The Pharisees actually explain in *m. Yad.* 4:6: "That they are subject to impurity accords with their value (*ḥibbatan*), such that one not make the bones of his father or mother a memento." This explanation in the second half of the statement need not be seen as the reason for the law's promulgation, but as a salutary ramification. The underpinning of the law is given in the first half, that human bones are (ontologically) susceptible to impurity as a function of their preciousness, their real properties, as, say, creatures created in God's image.

48 *Dichotomy*, 45. He also advances this explanation in "*Qal vaḥomer* Arguments as Sadducean Realism," 155–56.

felt happy—inconsistently—to embrace realism when discussing among themselves (since, apparently, such inconsistencies were so widespread no one need be embarrassed about it). Whatever the fundamental issue behind the Sadducean/Pharisaic debates preserved in rabbinic literature—if there is a fundamental issue— it is not the *qal vaḥomer* technique of argumentation, but the substance of the debates, which must be explained on other grounds.[49]

Even more problematic than the association of "natural" with the *qal vaḥomer* is Schwartz's attempt to portray certain emotional reactions to legal rulings as "natural," and therefore indicative of legal realism. Schwartz notes that in the case of a neighbor who provides for a wife whose husband traveled abroad without leaving her sufficient funds, the "sons of the high priests" rule that the neighbor must be repaid by the husband whereas R. Yoḥanan b. Zakkai, the arch-Pharisee, rules no repayment is necessary (*m. Ketub.* 13:2). This difference of opinion plausibly may be explained in many ways that have to do with different views of justice and debt, of a husband's obligations to his wife, of man's intentions when departing for extended absences, of the nature of society in general and the degree of mutual obligation among its members in particular, of social obligations to the poor, of the function of charity, etc. etc. Schwartz, however, analyzes this dispute as follows:

> In my experience, we all feel for the neighbor. It seems to be unfair to deny him his money… what we "feel" is a fact of nature, it originates in our hearts or stomachs or thereabout, and the notion of "unfair" applies to things that we feel are wrong whether or not they violate any law formulated by some appropriate legislature or lawgiver. Those who, in contrast, do ascribe legal authority to such a feeling, those who in our case

49 Note that Schwartz explains the rabbinic turn to increasing nominalism as a reaction against Pauline Christianity, which rejected the commandments, as nominalism makes for a greater disconnect from Christianity ("Between Sages and Priests," 74; "*Qal vaḥomer* Arguments as Sadducean Realism," 155–56). This too is implausible historicist speculation that construes rabbinic legal thinking as a polemic against an opponent hardly mentioned in rabbinic sources, especially the tannaitic ones. In addition, there also seems to be something odd and even contradictory about seeing the rabbinic embrace of the *qal vaḥomer*, a "naturalistic"/realistic method, as a response to the disappearance of the Sadducees and appearance of Pauline Christianity, at the same time as the rabbinic trend to nominalism is a response to that same Christianity.

> are willing to view the money as an enforceable debt, ascribe authority to nature.[50]

The appeal to Schwartz's personal experience is interesting. Those with other experiences, e.g., with a bunch of misers or mafia protection-racketeers or ruthless Wall-Street bankers (no offence intended) or various other cultures with different notions of justness and fairness, will not necessarily find a shred of sympathy for the neighbor. Notions of fair and unfair are of course a function of culture, not nature, whatever the physiological mechanisms that produce emotional reactions and feelings.[51] How any of this can be mapped onto a philosophical difference between realism and nominalism is difficult to see.

Still more problematic is the conclusion of Schwartz's article, the attempt to explain rabbinic Judaism's nominalism as a product of its diasporic origins (and/or of its alienation from this-worldly concerns).[52] The Babylonian Talmud of course is a product of the diaspora. But what about tannaitic Judaism which originated in Judea? It, apparently, was tainted by diasporic thinking, as two of the early founders of the rabbinic movement, Hillel and Antigonos, were immigrants from the diaspora: Hillel reportedly came from Babylonia, whereas Antigonos had a Greek name (!). (We should recall that Hillel's Babylonian provenance is suspect; that this Antigonos came from Sokho, a town in Judea, and that the Greek name chosen by one's parents need not mean anything anyway; and that most early rabbis did not come from Babylonia or bear Greek names.) And how is the diaspora connected to nominalism? Because it is unnatural:

> Most basically, however, I would note that while it was natural to be Jewish in Judea it was unnatural to be Jewish abroad. Just as the natural default for a baby born in Judea was to be Judean, the natural default for a baby born in Alexandria was to be an Alexandrian, for one born in Cyprus—a Cypriot, and for one born in Rome—a Roman. To raise a child as Judean in

50 *Dichotomy*, 29.

51 Cf. Schwartz, "On Pharisees and Sadducees," 139: "The source of authority of such arguments is in our intuition, in our guts—it is natural."

52 Schwartz, *Dichotomy,* section IV, "Priests vs. Rabbis ~ Judea vs. Diaspora." See too the conclusion to " Between Priests and Sages," 74–75, where this idea is implied.

> Judea required only non-interference with nature (just as to raise a *kohen*); to raise a child as a Jew in Alexandria, Cyprus, Rome, or anywhere else in the Hellenistic-Roman Diaspora, entailed—just as with raising a child to be a rabbi—the *decision* to do something that was not at all natural. If, as proposed in Parts II–III of this chapter, the basic distinction between the priestly attitude toward Jewish law and the rabbinic one is between the notion that law conforms to nature and the notion that law bespeaks *decisions*, the basic orientation of rabbinic Judaism conforms to that of Diaspora Judaism.

Again, Schwartz has confused "nature" with "culture." He means here that it is more difficult and challenging to practice and maintain a minority culture within the dominant ambient culture than to conform to the majority culture. Of course (priestly) Judaism in Judea is every bit as complex and un-natural a cultural formation as Hellenistic culture in Alexandria, unless we wish to adopt the perspective of Judah HaLevi or an exaggerated nineteenth-century romanticism. Likewise, Schwartz's claim that "to raise a child as Judean in Judea required only non-interference with nature" involves a serious misuse of "nature." Children raised with "non-interference with nature"—I mean the real "nature"—would not turn out to be priestly realists or observant Judeans/Jews, though there is a chance, albeit rather small, that they would turn out like Rousseau's noble savages with some good qualities, or maybe like Montesquieu's virtuous Troglodytes with their "natural" goodness (*Persian Letters* 12). And again, whatever we make of this observation about the interaction between majority and minority cultures, any attempt to connect it to the issue of nominalism and realism is misguided.

III. The Disputes of 4QMMT and the Problem of Biblical Exegesis

A danger in a study of this sort is that of cherry-picking examples that best support one's thesis, as it is very difficult to know what constitutes a representative sample.[53] To avoid this pitfall, I propose to examine the issues listed

53 It should be noted that neither Schwartz nor Hayes attempt to identify a representative sample or to make an argument about what such a sample might look like.

in MMT and to assess whether they reflect a divide between nominalism and realism. As these are the laws that the sectarians themselves viewed as most central to the rift with their opponents, presumably the Pharisees, they should reflect the fundamental difference between the two legal traditions.[54] We should expect to find particularly blatant examples of realism in the sect's position and of nominalism in the rulings imputed to their addressees, if Schwartz's hypothesis is correct.

At the same time, I will focus on another issue that requires some additional thought, namely the importance of biblical exegesis as a relevant factor in the determination of rabbinic and priestly law. In the most basic terms: do we take exegesis seriously as a method by which priestly (and rabbinic) law was generated? Or is exegesis so flexible, open-ended, and indeterminate that we must look at other factors to explain why interpreters understood the verse in a given way? Was the biblical text a constraint on the production of post-biblical law? Or did nothing constrain the interpreter who could—if he so desired—read x as y or even as not x? The work of Daniel Boyarin in his *Intertextuality and the Reading of Midrash* and of James Kugel in his *In Potiphar's House, The Bible as it Was,* and other works, has taught us that we must take the rabbis and other post-biblical exegetes seriously as readers. Interpretations that appear at first glance to be flagrantly "read in" to the biblical text were, upon deeper study, in fact "read out," i.e., a product of exegesis. Of course this is not to say that social, political, philosophical, and other historical and ideological factors are irrelevant or can be discounted. All readers cannot help but interpret the text through the prism of "ideological colored eyeglasses" as there is no purely objective, neutral point on which to stand.[55] At the same time, exegesis cannot be seen as *purely* a matter of ideology. While ideology influences or constrains exegesis to a certain extent, the reverse is also true: the text itself influences ideology as an interpreter inevitably frames his beliefs on the basis of his encounter.[56] This is particularly true of a reformist movement like the Qumran community, a "text-based

54 See too Rubenstein, "Nominalism and Realism," 178, where I suggested this strategy.

55 Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Bloomington: Indiana University Press, 1990), 15.

56 Ibid., 19: "Ideology affected their [=the rabbis—J.R.] reading, but their ideology was also affected by their reading."

community" as Adiel Schremer has argued so pointedly,[57] a group who attempted "to return to the Torah of Moses" (1QS 5:7–10), to live within the biblical world and by a "bibliocentric" ideology.[58]

Schwartz does not take exegesis seriously as a factor in determining law, and therefore in understanding the differences between ancient legal systems. In response to my charge that he underestimated the importance of biblical exegesis, Schwartz writes:

> Indeed, I don't think the latter issue [i.e., that laws derive from exegesis—J.R.] is of significance, for it ignores the question why some people, like priests, interpret the Bible one way and some, like rabbis, another. [59]

This is not the case at all, as the policy of taking legal exegesis seriously does not "ignore" this question, but insists that one consideration *among others* is textual factors including ambiguities, obscurities, and contradictions, which different interpreters might resolve in different ways, *not all of which can be reduced to ideology*, and certainly not all of which can be reduced to the single issue of a nominalist vs. realist disposition. Nor may we always be able to explain why interpreters made the exegetical choices they did, even if we can understand what textual factors were involved. Different interpreters sometimes chose to fill the gaps in the biblical legislation (and narrative) in different ways for reasons that are often unrecoverable. In other cases we do in fact understand why different exegetes came to different conclusions, and the reasons have to do with broader assumptions that have nothing to do with considerations related to realism or nominalism. For example, the Qumranic interpreters treated the entire biblical corpus as an authoritative source of

57 Adiel Schremer, "'T]he[y] Did Not Read in the Sealed Book': Qumran Halakhic Revolution and the Emergence of Torah Study in Second Temple Judaism," in *Historical Perspectives: From the Hasmoneans to Bar Kokhba in Light of the Dead Sea Scrolls,* ed. D. Goodblatt, A. Pinnick, and D. R. Schwartz (Leiden: Brill, 2001), 105–26.

58 S. Talmon, "Between the Bible and the Mishna," in *The World of Qumran from Within* (Jerusalem: Magnes; Leiden: Brill, 1989), 21–48.

59 Schwartz, *Dichotomy*, 135 n. 57. Schwartz continues: "Moreover, even an exegetically-derived law held by a community will help shape its worldview." This is certainly true, but does not help Schwartz's claim, as it recognizes that a worldview will be influenced by exegesis, and not determine it absolutely. In any case, the issue is what we mean by "exegetically-derived." The same point is made in "*Qal vaḥomer* Arguments as Sadducean Realism," 147.

law, whereas the rabbis typically based law exclusively on Pentateuchal legislation.[60] This difference in a fundamental exegetical assumption produced legal disputes that need not correlate with a nominalist vs. realist divide.

In this respect there is a problematic reductionism in Schwartz's claim, as his response quoted above reduces the legal exegesis of both rabbinic and Qumran halakhists to a function of their respective bases of authority: "Some people, like priests, interpret the Bible one way," namely realistically, because their authority derives from the immutable fact of their birth, their "ascribed status," whereas "some, like rabbis, another," namely as nominalists, because their authority stems from "achieved status," the merit acquired through study and learning.[61] This claim strikes me as a variation of the dated views of scholars like Joseph Heinemann who tended to reduce much rabbinic aggadah to expressions of ideology and minimize exegesis: "The aggadists do not mean so much to clarify difficult passages in the biblical text as to take a stand on the burning issues of the day, to guide people and strengthen their faith." Now I am well aware that Schwartz, a sophisticated scholar, understands that both rabbinic and Qumranic halakhists do in fact respond to problems in the text (as did Heinemann). My point is that he does not appreciate sufficiently that the exegetical response to such problems may itself be a powerful force in the determination of law and cannot be fobbed off as an epiphenomenon of something else, be it an ideological response "to burning issues of the day" or achieved vs. acquired status.[62] If this is true

60 Bernstein and Koyfman, "Interpretation of Biblical Law," 73–74.

61 See n. 25.

62 Two systemic assumptions that will influence legal exegesis are (1), whether the Prophets and Writings are also authoritative sources of law in addition to the Pentateuch, and (2), whether laws can be derived from biblical narratives or only from biblical laws. These considerations have nothing to do with nominalism and realism, but may have a profound impact on one's legal conclusions. A particular example is the instructions concerning observance of the Sabbath in Isa 58:13, which both rabbis and the Qumran sect seem to have understood to caution against some sort of business affairs and speech. Those who assume that the Prophets are as authoritative a source of law as the Pentateuch may arrive at different laws of Sabbath observance than those who see the Prophets as carrying less authority. For detailed study see Alex P. Jassen, *Scripture and Law in the Dead Sea Scrolls and Ancient Judaism* (Cambridge: Cambridge University Press, 2014).

for the aggadic texts upon which Boyarin and Kugel studied, how much the more so for the biblical legislation at issue here.[63]

Thus I am asking two interrelated but independent questions: (1) whether realism vs. nominalism best explains the disputes of MMT; and (2) whether exegetical considerations (and other considerations) are paramount. For convenience I follow the composite text and discussion of the initial publication by Elisha Qimron and John Strugnell in DJD X, to which the pages and line numbers refer.[64] I make no pretense to novel contributions to the understanding of the halakhot, and follow the interpretations of the editors, with the observations of Joseph Baumgarten,[65] Lawrence Schiffman,[66] Moshe Bernstein,[67] Menahem Kister,[68] Yaacov Sussman,[69] and others where apposite. The following survey is necessarily brief, and certainly these complicated issues require more detailed study. But even a superficial survey should provide some insights into the present inquiry, if only a starting point for discussion.

The editors divide the text into seventeen "halakhot," although some treat more than one legal issue. The first two are very fragmentary. The third, also somewhat fragmentary, concerns whether sacrifices may be accepted from gentiles (pp. 149–50; B 5–8), a controversy attested by Josephus (*War,* 2.17.2). The editors suggest the dispute may derive from the understanding of Lev

63 For some recent work on Qumranic legal exegesis, see Bernstein and Koyfman, "Interpretation of Biblical Law," 61–87; M. Kister, "A Common Heritage: Biblical Interpretation in Qumran and Its Implications," in *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls and Associated Literature*, ed. M. E. Stone and E. G. Chazon (Leiden: Brill, 1998), 101–11; Vered Noam, *From Qumran to the Rabbinic Revolution* (Jerusalem: Yad Izhak ben Zvi, 2010), 330–36 (Hebrew); Werman and Shemesh, *Revealing the Hidden*, 51–71.

64 Elisha Qimron and John Strugnell, *Qumran Cave 4,* vol. V. *Miqṣat Maʿaśe ha-Torah,* DJD X (Oxford: Clarendon, 1994).

65 Joseph Baumgarten, "The 'Halakhah' in *Miqṣat Maʿaśe ha-Torah*," *JAOS* 116 (1996): 512–13.

66 Lawrence Schiffman, "The Place of 4QMMT in the Corpus of Qumran Manuscripts," in *Reading 4QMMT: New Perspectives on Qumran Law and History*, ed. J. Kampen and M. Bernstein (Atlanta, GA: Scholars Press, 1996), 81–98.

67 Moshe Bernstein, "The Employment and Interpretation of Scripture in 4QMMT: Preliminary Observations," in *Reading 4QMMT*, 29–52.

68 Menahem Kister, "Studies in 4QMiqṣat Maᶜase HaTorah and Related Texts: Law, Theology, Language and Calendar," *Tarbiz* 68 (1999): 317–71 (Hebrew).

69 Yaacov Sussman, "The History of Halakha and the Dead Sea Scrolls—Preliminary Talmudic Reflections in the Light of MMT," *Tarbiz* 59 (1989–90): 11–76 (Hebrew).

1:2, "When any of *you* presents an offering," the "you" (*mikkem*) meaning Israelites/Jews and not gentiles. Israel Knohl suggests that the source may be Lev 22:25, "Nor shall you accept such [animals] from a foreigner for offering as food for your God, for they are mutilated, they have a defect; they shall not be accepted in your favor."[70] Although the previous verses are dealing with blemished animals, which Lev 22:25 emphasizes also cannot be accepted from gentiles, an interpreter may have decontextualized the verse and generalized it to a blanket prohibition. Be that as it may, I cannot see how the two positions can be mapped onto a systemic nominalist/realist divide. Even if we accept that the Qumran community believed Israelites/Jews to be a holy people, and that gentiles are ontologically different and profane, how this translates into a prohibition on gentile sacrifices is by no means clear, as we are dealing with their animals or grains. To say that only holy people (Jews) can bring holy sacrifices reflects analogical thinking of sorts more than legal realism. In any case, the rabbinic ruling could simply reflect a different realist view that the ontological difference between Jews and gentiles is irrelevant to the matter of donating a sacrifice to the temple (though it may matter in other cases, such as marriage, inheritance, etc). Moreover, the position that gentiles may not bring sacrifices is attested in various rabbinic sources.[71]

In this case, however, it is not difficult to see that ideological factors will be involved, as evident from Josephus' account of the debate, which centers on the impact of rejecting Roman-sponsored sacrifices on Roman-Jewish relations. MMT's ruling can be seen as nominalist, motivated by anti-Roman values and "political" goals, and not due to any different sense of reality than the rabbis, who may have held different values. So if we discount those exegetical factors and attribute the sectarian prohibition to their negative view of gentiles, or an effort at social distancing, or general hostility (as Heinemann might have done), there is still no nominalist/realist divide.

The fourth dispute (B 9–11; pp. 150–52), as reconstructed by the editors on the basis of the Temple Scroll (11QT), concerns leaving the cereal offerings (*minḥah*) of peace offerings (*shelamim*) overnight, i.e., whether they must be eaten before sunset (so the sect) or may be eaten until midnight or even until

70 I. Knohl, "The Acceptance of Sacrifices from Gentiles," *Tarbiz* 48 (1979): 342 (Hebrew).

71 Knohl, ibid., and see Y. Gilat's comments to Knohl's article in *Tarbiz* 49 (1980): 422–23.

dawn (so the rabbis).[72] The editors point to Lev 7:15, which requires of the peace offering that it be "eaten on the day that it is offered; none of it shall be set aside until morning," as the basis for the rabbinic view, which concluded that the cereal offerings have the same restrictions as the sacrifice itself.[73] The authors of MMT apparently interpreted "the day that it is offered" as referring to the day itself, not including the night, and took the final clause, that it not be "set aside (*yanniaḥ*) until morning" to mean not "left over" until morning.[74] Here it is even more difficult to find a nominalist/realist divide. Both opinions are most plausibly seen as nominalist, as there does not seem to be much of an ontological difference between cereal offerings that are not consumed after a maximum of twelve or twenty-four hours (depending what time of day the offering took place). If one insists on seeing MMT's view as realist, as grounded in a belief that the cereal offering experience an ontological transformation at sundown, becoming rotten or dangerous in some real way (or that the flesh of the peace-offerings really rots pretty quickly, and the cereal offerings therefore become contaminated by them), then the rabbinic view could be equally realist, the difference simply being how long each party believes a cereal offering (or peace-offering) takes to decompose or experience ontological change. But as Lorberbaum argues, if this is the case we are dealing more with a debate over an empirical fact, namely when grain or meat goes bad, and not a matter of legal realism, which deals with intangible realities.[75] In short, realism vs. nominalism does not seem a helpful axis to understand this dispute.

The fifth dispute concerns the ritual of the red heifer (Num 19:1–22) and involves the issue of the *ṭevul yom* known also from rabbinic tradition, the Temple Scroll, and other sources, namely whether the purification process requires that one wait until sunset to become fully pure or whether the

72 The editors refer to *m. Zebaḥ.* 6:1, which requires the cereal and other offerings be eaten until midnight. Schiffman, "Place of 4QMMT," 87 notes that *m. Ber.* 1:1 explains that all things limited "until midnight" are really permitted until dawn, the earlier limitation a preventative measure.

73 Cf. *Temple Scroll* 20:11–13; Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983), 2:89.

74 See the editors' discussion, p. 151, of the influence of other biblical verses that led to this interpretation.

75 Lorberbaum, "Halakhic Realism," section III.

immersion itself suffices (B 13–16; pp. 152–53).[76] As Baumgarten has noted, an exegetical issue is at the heart of this controversy: "Although levitical law repeatedly insists on sundown as a necessary sequel to immersion, the Pharisees maintained that this was requisite only for the consumption of sacrifices or teruma … the Pharisees could point to passages such as Lev 14:8, 15:13, and 16:28, which refer to immersion without mentioning sundown."[77] Once more I cannot see a nominalist vs. realist angle. Both parties would insist those involved in the ritual are "intrinsically" pure, the dispute being over how that purity is achieved.[78] This is a good test case, as the rabbis identified the opposing position as Sadducean (*m. Parah* 3:7) and went out of their way to render the participating priest impure according to the Sadducean law. So both the rabbis/Pharisees and the Sadducees emphasize the issue, but nominalism and realism are irrelevant. This issue is also brought up in the fifteenth dispute relating to the purification process of the leper (B 71–72; pp. 169–70).

The sixth law is very fragmentary. It seems to concern three rulings about the purity of animal hides (B 18–20; pp. 154–55); given the uncertainty of the text it is of limited help for our purposes.[79]

76 MMT seems to include the priests sprinkling the water of purification in this requirement, and not only those preparing the cow (mentioned in rabbinic traditions), but this does not impact the fundamental question. There may be additional disputes relating to the performance of this ritual. See Baumgarten, "'Halakhah' in *Miqṣat Maʿaśe ha-Torah*," 512–13.

77 Baumgarten, ibid. Cf. Schiffman, "Place of 4QMMT," 440, who believes that the rabbinic law devolves from an exegesis of Num 19:9.

78 That is, the Pharisees would say that the *ṭevul yom* is pure enough for this ritual. Kister, "Studies in 4QMiqṣat Maʿase HaTorah," 334–36, has pointed out that the Pharisees could have accommodated the Sadducees by performing the ritual according to the higher standards of the Sadducees, were they so inclined, and the fact that they insisted the priest be a *ṭevul yom* was a power-play to invalidate the rival system. But this does not impact the claim that their view of the law was realist in principle.

79 The first ruling may have to do with a dispute about the different levels of holiness of various areas of Jerusalem and the Temple, as the law may be related to that of *Temple Scroll* 51:1–6, which prohibits the hides of animals slaughtered outside the sanctuary to be brought into the city of the Temple (=Jerusalem). The second and third rulings are about the hides and bones of animals, and are possibly related to the controversy attested in rabbinic sources between Pharisees and Sadducees over the purity of animal bones, discussed above. (The sect includes the hides and bones in the law of Num 19–20, whereas the rabbis restricted it to

The seventh halakhah concerns the delineation of boundaries of the temple and Jerusalem that define degrees of holiness, and within which various sacrifices must be performed and consumed (B 27–35; pp. 156–57). This complicated issue devolves from two interrelated exegetical problems. The first is the contradiction between Lev 17:3 and Deut 12:20–28 concerning the laws governing the consumption of non-sacrificial and sacrificial meat, a problem engaged by the Temple Scroll and numerous rabbinic sources.[80] The second is rooted in different understandings of how to apply the terms "entrance of the tent of meeting" (*petaḥ ohel moᶜed*), "camp," and "outside the camp" (*maḥaneh*; Lev 17:2–4), which the Torah uses to describe the tabernacle and Israelite camp in the desert, and the term "place" (Deut 12:21), which describes the temple and city of Jerusalem. The authors of MMT claim the tabernacle/tent of meeting corresponds to the temple, the Israelite camp corresponds to Jerusalem, while "outside of the camp" corresponds to the "camp of cities," apparently meaning the rest of the territory of Israel.[81] Rabbinic sources mapped the biblical tabernacle and camp onto the temple and Jerusalem in different ways, and sometimes understood the same biblical terms appearing in different laws in different ways, as Kister has shown.[82] If

the flesh.) The editors note, however, that the third law appears to be limited to the hides of clean animals, viz., that one who carries hides of clean animals, not those of unclean animals, "may not have access to the sacred [food]." They are at a loss to explain this distinction, concluding that "the subject of the impurity of the various kinds of hides is a very complicated one." To say the least. Exactly what "access to the sacred [food]" means is likewise unclear. The editors refer to "special meals"; Schiffman takes this law as tantamount to conveying impurity ("Place of 4QMMT," 448). Either way, if the restoration of this law is correct, the MMT position appears to be nominalist, as a realist would probably conclude that the hides of unclean animals should convey "impurity" in the same way as those of clean animals, given that the hides are similar. However, a realist could argue the hides are ontologically different even if they appear to be similar to our sense perceptions.

80 Qimron and Strugnell, 156–57; cf. *Temple Scroll* 52:13–16. See the detailed discussion in Kister, "Studies in 4QMiqṣat Maᶜase HaTorah," 335–39, and Werman and Shemesh, *Revealing the Hidden*, 60–61.

81 Kister, "Studies in 4QMiqṣat Maᶜase HaTorah," 337–38; Schiffman, "Place of 4QMMT," 88–90.

82 Kister, "Studies in 4QMiqṣat Maᶜase HaTorah," 339. Cf. *t. Kelim* (*B. Qam.*) 1:12, which sets out the well-known rabbinic view of ten levels of holiness decreasing with greater distance from the holy of holies. On realist and nominalist views of the holiness of the Land of Israel, see Alexander Dubrau, "Heiligkeitskonzepte

one insists on looking at the positions in terms of nominalism and realism, then the views of both parties appear to be realistic, the debate being over the ontological status of different areas. But here exegesis seems to be the real driving force behind the dispute, as the contradiction between the biblical passages is obvious, and how one correlates the biblical camp to the temple and Jerusalem is by no means clear. Rabbinic sources themselves are divided on these issues, some arriving at conclusions similar to those of MMT and other Qumran texts.[83] It is therefore difficult to claim this exegesis is merely a function of a realist or nominalist legal "system."

The eighth halakhah deals with the slaughter (or sacrifice) of pregnant animals, which the sect prohibits and the rabbis permit (B 36–38, pp. 157–58).[84] The prohibition against the sacrifice of such animals is found in the Temple Scroll.[85] The formulation in MMT "on the same day" points to Lev 22:28, "it and its offspring (*beno*)," which the sect apparently interpreted to include a mother and her fetus, and not only to baby animals. This can plausibly be seen as an exegetical dispute over the meaning of "its offspring," whether it applies to unborn or born offspring. This dispute does not fit neatly with a nominalist/realist divide. If we view the MMT position as realist (a fetus is in reality a separate being, though not independent of its mother yet), the rabbis are hardly nominalists, but simply adopt a different realist view, that a fetus is still part of the mother until it emerges as an independent being at birth, and is not in reality the mature animal to which the laws apply.[86] This is, after all, why we have discrete terms for embryos and fetuses, and

von *Eretz Israel* in rabbinischen Texten der Spätantike," in *Heilige, Heiliges und Heiligkeit in Spätantiken Religionskulturen*, ed. P. Gemeinhardt and K. Heyden (Berlin: de Gruyter, 2012), 157–58.

83 Kister, "Studies in 4QMiqṣat Maᶜase HaTorah," 339. See too Yadin, "4QMMT," 143–44, on the affinity between the hermeneutics of R. Ishmael and MMT.

84 The editors suggest that this dispute is twofold, including the related prohibition of eating a live fetus within a dead animal without ritual slaughter. In *m. Ḥul.* 4:5, R. Meir requires a mature fetus be slaughtered if it survives the slaughter of its mother (and prohibits its slaughter on the same day). But the majority opinion disagrees, and no rabbinic opinion requires slaughter of, or applies "it and its young" to, an immature fetus. For other relevant rabbinic sources see the references 157 n. 115. The same analysis would apply to this dispute.

85 *Temple Scroll* 52:5–6.

86 Indeed, rabbinic sources seem to reflect this view with the term "the fetus is a limb (*yerekh*, i.e., part) of the mother" (*b. Ḥul.* 58a; *b. Giṭ.* 23b).

do not generally refer to them as "animals," "offspring," "young," etc.[87] For the rabbis offspring are (real) offspring and fetuses are (real) fetuses and the law of one does not apply to the other. In addition, R. Ishmael seems to hold a position similar to that of MMT, that the fetus is an independent being, which again would suggest that we cannot readily distinguish the priestly and rabbinic views.[88] (I might also note, in passing, that it is hard to apply realism to the details of the laws of slaughter [*sheḥitah*], that it requires a certain type of knife, must be performed at the jugular vein or in any specific way, and suchlike. What "natural" or "independently existing situation" explains such laws?)

The ninth halakhah concerns prohibitions against Ammonites, Moabites, *mamzerim*, and men with disfigured genitals from "entering the congregation," which is then explained as entering the sanctuary and marriage (B 39–40; pp. 158–59). The Torah lists these same classes in Deut 23:2–4, and the rabbis too prohibited these classes from marrying Jewish women, although they permitted Jewish men to marry Moabite and Ammonite women. The wording of MMT is fragmentary but seems to prohibit also marriage or intercourse between Jewish men and these women. The rabbinic limitation of the law to Moabite and Ammonite men appears at first glance to be a highly "artificial" (by our standards) exegesis ("*a Moabite* [Deut 23:4] not a Moabitess, an *Ammonite* [Deut 23:4] not an Ammonitess"[89]), but is surely the result of the fact that Ruth the Moabitess married Boaz and was an ancestor of King David to boot. So an interpretive debate is undoubtedly a factor. Here the realist/nominalist debate seems more fitting, as the rabbinic limitation to male Moabites and Ammonites appears to be arbitrary; if marriage to these people is intrinsically dangerous, why should there be a difference between males and females? But this tends to presuppose contemporary notions of equality of the sexes, which was certainly not the case in Antiquity, and is not true of biblical law. Only males were priests, and only females subject to levirate marriage, so there is no reason the rabbis could not have seen Moabite/Ammonite men as ontologically different from their women, and

87 From this point of view we might consider the sect's position as somewhat nominalist, in that it considers ("names") a fetus as a full-fledged animal to which the law applies.

88 Yadin, "4QMMT," 143–44, and n. 59, referring to Geiger; Cf. Sussman, "Preliminary Remarks," 33.

89 *Sifre Deut*. #249 (ed. Finkelstein, p. 277); cf. *m. Yev.* 8:3.

understood the asymmetrical prohibition accordingly.[90] In any case, other ideological and sociological considerations were surely involved, including the general attitude toward foreigners.

The prohibition against these classes entering the sanctuary again derives primarily from the exegetical dispute over the meaning of "enter the congregation," the sect understanding it as referring to entry to the temple too. Here the realist/nominalist divide does not play out well: both the sectarian and rabbinic position can be explained on realist grounds: the sect believed these classes ontologically "profane" such that they constituted a danger to the holy sphere of the temple, whereas the rabbis did not. However, it should be noted that even if this analysis holds for the sect's view of Ammonites, Moabites, and *mamzerim*, it is harder to apply it to men with mutilated genitals, which may have happened later in life. How does such an accident alter their "nature"? So perhaps a nominalist approach is a more plausible understanding of the sect's view, which we could easily connect with certain values or reasons.

The tenth issue is the sect's complaint that the blind and deaf should not enter the temple (B 49–54; p. 160). A related provision of the temple scroll prohibits the blind from Jerusalem "lest they defile" the holy city (*Temple Scroll* 45:12–14). Yadin suggested this law derives from Lev 21:17, which prohibits priests with defects, including the blind, from offering sacrifices; the sect inferred a similar prohibition against entering the holy city.[91] If so, the same analysis given for the previous halakhah applies: the sect sees such priests as ontologically dangerous to the holy city/temple, whereas the rabbis do not. However in this case MMT's concern seems to be more pragmatic. The author is concerned that the blind will mix holy with profane food, as they "cannot see the mixture that incurs reparation-offering (*asham*)," whereas the deaf have not heard the laws and the judgments" and consequently do "not know how to obey the law." Rabbinic sources allow the deaf at least to handle purities, apparently trusting that they would not mess things up.[92] In this case nominalism and realism do not really apply; the debate is about

90 For the same reason, there is absolutely nothing necessarily nominalist about the rabbinic position permitting niece/uncle marriages while prohibiting nephew/aunt marriages. See Rubenstein, "Nominalism," 165–68; Schwartz, *Dichotomy*, 31 and references in 132 n. 51.

91 Yadin, *Temple Scroll*, 1:224; 2:136.

92 *T. Ter.* 1:1; see Sussman, "The History of Halakha and the Dead Sea Scrolls," 34.

an empirical matter of the reliability of the blind and deaf in handling holy foods. The editors also provide other possible exegeses that may ground the debate, including Deut 18:13, 5:24, and 4:9.

A similar analysis applies to the twelfth halakhah, a prohibition against bringing dogs into Jerusalem (B 58–62; pp. 162–64), which may be explained as a concern lest impure dogs defile the holiness of Jerusalem. But again a more pragmatic reason is given, that dogs "may eat some of the bones of the sanctuary while the flesh of the sacrifices is still upon them."[93] *Mishnah B. Qam.* 7:7 offers a similar prohibition against chickens: "One may not raise chickens in Jerusalem because of the sacrifices." So however we parse the prohibition, realism vs. nominalism does not explain the dispute. In this case biblical exegesis does not seem to be involved.[94]

The eleventh halakhah concerns the purity of streams, the *niṣoq/muṣaqot*. Moshe Bernstein has noted that there does not appear to be an exegetical basis for this dispute.[95] Schwartz claimed that the Pharisaic-rabbinic view according to which impurity does not travel upstream is nominalist, whereas I maintained it was a different kind of realism, not unlike the fact that real pollution will not flow up from a lower vessel to a higher one. Hayes now argues against this possibility, claiming that "it ignores the explicit textual evidence of MMT—that the dispute centers on whether or not the stream forms a connection that combines the lower and upper liquid into a single unit such that the impurity of the former is by definition possessed also by the latter… 'for the stream of the flowing liquid and the [liquid] that receives from it are like them, *one single stream*.'"[96] But you cannot learn much about the Pharisaic-rabbinic view from the perspective articulated by the MMT authors. Obviously they consider the flow to produce a connection that renders all the liquid into "a single stream" and subject to the same defiling. The rabbis simply disagree about the nature of the connective, that it does not render the two into a single entity for legal purposes. In my view the

93 See too Baumgarten, "'Halakhah' in *Miqṣat Maʿaśe ha-Torah*," 515. This is not to say that there cannot be an ontological concern too, e.g., that if dogs were to eat bones with flesh they might violate the ontological holiness of the sacrifice. But in that case we would expect that concern to be articulated.

94 Qimron and Strugnell, 163: "Nor can we find any biblical source from which it might have been deduced."

95 Bernstein, "Interpretation of Biblical Law," 63 n. 5.

96 Schwartz makes much the same argument, *Dichotomy*, 139–40 n. 92.

rabbis would not dispute the empirical fact that there is a connection, that water is flowing from the upper vessel to the lower, that all the water, from a certain point of view, forms a single liquid entity; as I noted, they concede that in the case of viscous liquids such as honey and batter that "spring backwards," the liquid in the upper vessel becomes impure. So it seems clear they recognize that in all cases there is a connection.[97] They disagree that impurity of non-viscous liquids can flow through such a connection from lower to upper, just as real pollutants in the lower vessel would not reach the upper, even though all the water is connected.[98]

The disputes of the thirteenth and fourteenth halakhot (B 62–64; pp. 164–65), the fruits of the fourth year (which the rabbis called *neṭa revai*) and cattle tithe, are about what to do with these products. The rabbis ruled they must be treated like "second tithe," taken by the owners to Jerusalem (or redeemed and their value taken) and consumed there, whereas MMT rules that they be given to priests. As the editors note, the problem is that the Bible designates the fourth-year fruits as "set aside for jubilation [*qodesh hillulim*] before the Lord" (Lev 19:24) and the cattle tithe as "holy to the Lord" (Lev 27:30), but does not state explicitly how they should be treated, and these

97 *M. Makš.* 5:9; Rubenstein, "Nominalism," 171.

98 I do not fully understand Hayes' comment: "Second, there is no textual evidence for a dispute over whether or not impurity in liquids can travel upwards." There is very little textual evidence about these issues in general, such that we cannot even be sure whether we are in fact dealing with a stream forming this sort of connective (see Yaakov Elman's impressive meditation on these laws, "Some Remarks on 4QMMT and the Rabbinic Tradition, Or, When Is a Parallel not a Parallel?" in *Reading 4QMMT*). Later in the article Hayes writes: "We may plausibly suppose in light of the evidence of 4QMMT and the thematizing of Sadducean realism in the immediately preceding case in the Mishnah, that the Sadducees object to the Pharisees' position because it ignores the very real physical connection between the two liquids, asserting instead that they are not deemed to form a single body of liquid with a single status of impurity." Therefore "the Sadducees are depicted as adopting a realist stance and objecting to the nominalist view of the Pharisees because it is… nonempirical (anyone can see that the liquids join to form a single body!)" (136–37). Again, this description represents the Sadducean view of things, and the Pharisees would respond as above. The depiction of Sadducees and other heretics as judging rabbinic laws to be "unintuitive, illogical, or absurd" (p. 134) does not indicate the laws are indeed to be characterized as such, and cannot be taken as evidence of (self-awareness [p. 138] of) nominalism.

expressions are unclear. An exegetical dispute is clearly at work.[99] If one wishes to minimize the importance of exegesis, then ideology could be seen as the driving force, the rabbis attempting to minimize priestly entitlements by granting these to the owners.[100] Both positions can also be seen as realist, as MMT and the rabbis agree on the holiness of these fruits and animals. And as Aharon Shemesh has noted, indications of both rulings are found in both rabbinic literature and the Qumran scrolls.[101]

The fifteenth halakhah about the impurity of lepers is fragmentary, but the concerns seem to overlap those of the fifth and seventh halakhot, the purification on the eighth day (the issue of the *ṭevul yom*), and entry to Jerusalem or the temple.[102]

The sixteenth halakhah, concerning the impurity of bones, is also fragmentary (B 72–74; pp. 170–71). According to Baumgarten the authors of MMT hold that bone fragments, no matter what size, transmit corpse impurity, as opposed to the rabbinic ruling attested in *m. ʾOhal.* 2:3 that bone fragments must be the size of a barley corn.[103] Strugnell-Qimron suggest the opinions may devolve from different interpretations of Num 19:16-18, though they do not go into detail, and this explanation does not seem too likely to me.[104] (Perhaps: does *eṣem* refer to a bone of a certain size or even a fragment?) But even if exegetical factors are not paramount, one need not see a nominalist/realist divide at work. Indeed, this dispute offers a good occasion to engage Hayes' claim that the rabbinic penchant for setting "legal definitions and minima" evidences nominalism, as a realist would acknowledge that even a minute quantity still exists, and would not ignore

99 Azzan Yadin, "4QMMT," has shown that R. Ishmael in fact made the same exegetical move as the authors of MMT, albeit in respect to the law of the first-fruits (Exod 23:19), ruling that they too must be given to priests.

100 Menahem Kister, "Some Aspects of Qumranic Halakhah," in *The Madrid Qumran Congress,* ed. J. T. Barrera and L. V. Montaner (Leiden: Brill, 1992), 571–81, suggests the Pharisaic-rabbinic ruling derives from an ancient custom, and should not be seen as a product of exegesis.

101 See too Werman and Shemesh, *Revealing the Hidden*, 216–20.

102 For a possible reconstruction, see Y. Feder, "The Polemic Regarding Skin Disease in *4QMMT*," *DSD* 19 (2012): 55–70, who suggests the authors of MMT also objected to the rabbinic ruling that the leper can return to his house.

103 Baumgarten, "'Halakhah' in *Miqṣat Maʿaśe ha-Torah*," 515. The editors consider other possible restorations too, p. 171.

104 Baumgarten, "'Halakhah' in *Miqṣat Maʿaśe ha-Torah*," 515.

that reality in applying a law. According to this line of thought, the rabbis in this case must have a nominalist view of purity, as even a bone fragment smaller than a barley corn is still bone. If impurity were considered a real force, the fragment of bone should nevertheless contaminate. Thus Hayes, writing of the related case of corpse-flesh: "Instead of asserting that even the smallest speck of corpse-flesh causes impurity, the rabbis set an arbitrary lower limit: only a mass of corpse-flesh of a certain minimum size is capable of conveying impurity."[105] I would respond once again that there is nothing necessarily nominalist in setting minima, and this tendency simply indicates a different kind of realism. One need only think of minimum standards of "purity" today, such as rules that allow drinking water to have up to 44 parts per million nitrate and pasteurized milk to have a certain amount of bacteria per liter. Below this threshold the water or milk is not considered dangerous. Likewise the rabbinic standards of impurity of bone fragments in this halakhah and of corpse-flesh may indicate a realist view that such minimal quantities are not "dangerous" or "defiling" simply because there is not enough impure substance to cause the same harm as larger quantities of bones and corpse-material. The same can be said for the other examples Hayes mentions, such as "only non-kosher food of a certain minimum size is capable of rendering kosher food non-kosher."[106] A realist would argue that a little bit of the (ontologically) dangerous non-kosher food has no impact on a large pot of kosher food. Likewise, if a couple of drops of red food-coloring fall into a pot of pea soup, they will not impact the color of the soup. This is not to say that the food-coloring, non-kosher food, nitrate or bacteria are not really present, but that they have no real impact.[107] In some cases the rabbis do not set minimum quantities, such as the prohibition against consuming of

105 Hayes, "Legal Realism," 130. Note her reference to R. Eliezer's position on measurements, viz., that he tends to reject minima (131 n. 29). This again is an attempt to coopt Rabbi Eliezer, whom Hayes calls "a priestly figure," as evidence of the priestly realist view, whereas the fact that he was a rabbi and articulated rabbinic rulings strikes me as evidence of realism among rabbis, as argued above.

106 Ibid.

107 And this may be the sense of the rabbinic term *baṭel*, used to explain why the small amount of a prohibited substance does not render the larger mixture invalid. It is "nullified" in a realistic way, rendered null and non-existent. Of course this perspective need not accord with modern chemistry.

ḥameṣ on Passover in any amount whatsoever.[108] Are such cases unambiguous markers of rabbinic realism?

The seventeenth halakhah appears to ban marriage between priests, who are designated "most holy" and Israelites, who are just "holy" (2:75–82). Hayes has argued that MMT's ban on intermarriage is realist, objecting to a mixture of different degrees of holiness.[109] But the rabbinic position is just as realist, equating the holiness of priests and Israelites, or seeing the ontological difference, such as it may be, as unaffected by marriage. Moreover,

108 Hayes also emphasizes the importance of "epistemological certainty" as a test of whether a legal system is nominalist or realist. I confess that I do not completely follow this analysis. Her main example is the calendar controversy, especially the famous story in *m. Roš Haš*. 2:8–9 that Schwartz had also adduced as clear evidence of rabbinic nominalism. The solar calendar, which involves no observation and is fixed in perpetuity, offers a high degree of certainty. On the other hand "the rabbinic position takes empirical data into account…; nevertheless, other considerations are allowed at times to trump the empirical element" (128). What would we say of the present-day rabbinic calendar, which is every bit as fixed as the sectarian solar calendar, and therefore should reflect the same degree of empirical certainty? (Is this a rabbinic move toward realism?) Or suppose a new species of fish is found with ambiguous signs of having fins and scales. Both nominalists (who think we just call the fish unclean, but there is no more real harm in eating it than any clean fish) and realists (who believe fish lacking fins and scales really are unclean and therefore harmful) would have to rule whether the fish is clean or unclean, but both would presumably feel uncertain due to the ambiguous empirical evidence.

109 Hayes, "Realism," 124, who also discusses the prohibition of marriage with gentiles in *Jub.* 16:17–18. Hayes notes that this ban "is rationalized on analogy with the God-given separation of species. The sectarians believed these statuses to be facts of the created order rather than classifications that can be revised by humans—a highly realist stance." She then claims: "By contrast, the widely attested acceptance of conversion, and of marriage between Israelites and converted Gentiles, in Second Temple and rabbinic Judaism is evidence of a nominalist approach to this particular issue in non-Qumran circles." But this does not necessarily follow. These circles may have simply believed that gentiles are not ontologically different than Jews (and prohibited intermarriage for social and cultural reasons), or that they are ontologically different but the difference does not prevent marriage after conversion (whatever the other consequences of it), or that immersion and the other conversion rituals have an ontological effect on the nature of the convert, removing the "unholiness" and instilling the same holiness as Jews possess.

Baumgarten has persuasively challenged this interpretation and suggested the prohibition is against marriage with gentiles.[110]

Although the issue of marriage with converts is probably not mentioned in this halakhah, Hayes takes the ruling (in light of priestly law attested elsewhere) to amount to an absolute ban on intermarriage, which would extend to converts, and also indicative of "a highly realist stance. By contrast, the widely attested acceptance of conversion, and of marriage between Israelites and converted Gentiles, in Second Temple and rabbinic Judaism is evidence of a nominalist approach to this particular issue in non-Qumran circles."[111] Once again, the judgment that the rabbis' policy is nominalist is precipitous. Consider this tradition attributed to R. Yoḥanan in *b. Šabb.* 145b–146a.

> Why are idolaters contaminated (*mezuhamim*)? Because they did not stand on Mount Sinai. For when the serpent came upon Eve he injected her with filth: the Israelites who stood at Mount Sinai, their pollution departed, the idolaters who did not stand at Mount Sinai, their pollution did not depart.
>
> R. Aḥa the son of Rava asked R. Ashi, "What about converts?" He replied, "Though they were not present, their guiding stars (*mazzalaihu*) were present, as it is written: *I make this covenant with its sanctions, not with you alone, but both with those who are standing here with us this day before the Lord our God and with those who are not with us here this day* (Deut 29:13–14)."[112]

An ontological difference between Jews and gentiles is traced to the revelatory moment at Mount Sinai when the "filth (*zohamah*)" with which the serpent contaminated humanity was removed. Until that point, interestingly enough, both Jews and gentiles had been tainted equally due to the serpent's intercourse with Eve. This would seem to imply that converts, whose ancestors did not stand at Mount Sinai, remain as contaminated as their idolater ancestors. R. Ashi claims that because the "guiding stars (*mazzalaihu*)" of converts were

110 Baumgarten, "'Halakhah' in *Miqṣat Maᶜaśe ha-Torah*," 515–16. So too Kister, "Studies in 4QMiqṣat Maᶜase HaTorah," 344–46, although Kister believes the sect may have prohibited such marriages.

111 Hayes, "Legal Realism," 124.

112 Translation from Joshua Levinson, "Bodies and Bo(a)rders: Emerging Fictions of Identity in Late Antiquity," *HTR* 93 (2000): 346, and see the rich discussion there.

present at Mount Sinai, they experienced the same ontological change as Jews whose ancestors were present. The exact workings of these "guiding stars" or "heavenly counterparts (*mazzalim*)" is unclear, but undoubtedly R. Ashi is arguing for a parallel process by which converts were impacted and transformed by the Sinai experience such that they too were "decontaminated." If the priestly worldview considered gentiles as ontologically different from Jews such that marriage with converts could be analogized to the laws of mixed kinds (*kilʾayim*), some rabbis considered converts and Jews ontologically identical. The rabbinic view, then, need not be any less realist than that reflected in MMT. This is a good example of my general claim—that rabbinic legal rulings which appear to be nominalist when superficially contrasted with Qumranic realist positions in fact embody a different realist perspective.

What emerges from this brief survey? First, most of these disputes *cannot* be analyzed profitably in terms of a nominalist vs. realist division. In several cases such an analysis is possible but by no means necessary or demanded. Generally where a realist understanding of the law can be imputed to MMT, a different realist view can be imputed to the Pharisaic-rabbinic ruling.[113] In a number of cases the view of MMT is best understood in nominalist terms. Because the disputes in MMT are arguably a representative sample, perhaps the most representative sample, of the division between the two legal "systems," we should have found blatant examples of realism vs. nominalism among them if Schwartz's thesis is correct. But we do not, and it is therefore not surprising that only a few of these disputes listed by MMT are adduced by Schwartz (and Hayes) among their evidence.

Second, underlying almost all of these disputes are clear exegetical problems, including gaps in the biblical legislation, contradictions between biblical passages, and terms that are unclear or ambiguous. In some cases ideological considerations are at work, such as attitudes towards gentiles and the status of priests. In many cases the view in MMT is attested in rabbinic sources too, as different rabbis resolved those same exegetical difficulties in different ways, and because rabbis themselves differed on various ideolog-

113 It is also worth noting that in all of these cases it seems that the realist views we might attribute to the authors of MMT (and the realist views we hypothesize for their opponents) are what Lorberbaum calls "intra-halakhic" realism ("Halakhic Realism," section VI), with "no consequences outside of the halakhic system itself."

ical issues. The exegetical differences between MMT and their opponents cannot be correlated with a realist vs. nominalist legal approach. Exactly why each side resolved the difficulties the way they did cannot always be known, or is a result of many and diverse factors, and often has to do with the particularities of the issue.

Bottom line: why "some people, like priests, interpret the Bible one way and some, like rabbis, another," is an extremely complicated question, a function of many factors including the complexities of the biblical text itself,[114] and cannot always be attributed to a larger systemic principle. To ignore the serious exegetical considerations is to return to the approach of Joseph Heinemann that views exegesis purely as the product of ideology.

IV. From Realism to Nominalism to Realism

I close with one thought on the development of nominalism within rabbinic law in response to Yair Lorberbaum's observations.[115] I had argued that living legal systems are generally realist, as law reflects society's worldview and beliefs about reality, and law will change as the worldview changes. Biblical law, I claimed, was realist, but that changes in worldview by rabbinic times resulted in nominalist elements in areas where rabbinic beliefs deviated from those of the Bible.[116] Bound to the authority of the Torah and inherited tradition, the rabbis could not routinely change the law to accord with changes in their worldview (though midrashic interpretation was helpful in this regard), and this disparity produced an occasional nominalist stance. Law, or at least law whose authority is vested in ancient texts that cannot easily be updated, therefore tends to move from realism to nominalism. Lorberbaum points out that the development of Kabbalah seems to be a counterexample to this claim, as Kabbalah offers a thoroughly realist view of the commandments

114 I.e., the assumptions of the "interpretive community" per Stanley Fish's term. The Pharisees/rabbis and Sadducean/Qumran exegetes share enough assumptions about the biblical text such that the exegetical possibilities would have been limited.

115 "Halakhic Realism," section IV. This is Lorberbaum's third critique of my model. As to the first two critiques, see n. 117.

116 There may, however, be occasional nominalist elements even in biblical law. See Rubenstein, "Nominalism," 181 n. 72; Martha Himmelfarb, "'Found Written in the Book of Moses': Priests in the Era of Torah," in *Was 70 CE a Watershed in Jewish History?* ed. D. R. Schwartz and Z. Weiss (Leiden: Brill, 2012), 33–36.

as having important theurgic effects in the Sefirotic realm. We have then a development from nominalism to realism in Jewish tradition.

This is certainly an accurate and valuable insight. But it should be emphasized that Kabbalah provides a different worldview, a completely new ontology, hence the legal realism of medieval Kabbalah is radically different from that of the Bible/Second Temple period/rabbis. The rise and popularity of Kabbalah, I would argue, is itself a response to the very process I am describing, the drift from realism to nominalism. Indeed, it reflects what we might call a "nominalist crisis," namely the potential alienation that results as changing worldviews produce too large a gap between law and reality. When law becomes thoroughly nominalist, when it loses its connection to an underlying ontology—then adherents can lose their motivation to follow the law and ultimately their faith. The problems will be most acute with (what we call) ritual commandments like sounding the shofar, waving the lulav or wearing *tefillin*, as well as prohibitions such as the dietary laws and purity regulations (as opposed to civil and moral laws with clear social functions, although I realize this distinction is not straightforward).[117] This is not to say that reasons cannot be given for such rituals and prohibitions. Theologians and philosophers will always be able to provide novel and creative reasons for the commandments, as did Philo and others throughout the ages. But

117 See Lorberbaum's first two critiques ("Halakhic Realism," section IV), which follow in the wake of his criticism of Schwartz for ignoring "value-based-halakhah" and confusing the nominalism/realism distinction with the distinction between commandments-with-rationale/commandments-without-rationale. I accept this line of thought and believe it is a salutary addition to the discussion. Certainly the rabbis will continue to find observance of the law meaningful in cases where they are able to substitute a rationale or value that makes sense to them for a biblical rationale or value that they do not understand or with which they disagree. Likewise, as noted, midrash will help bridge the gap between the biblical and rabbinic worldviews. Yet even civil and moral commandments, the "value-based halakhot," are not immune from problems, despite the fact they serve practical and social functions. Certainly incest prohibitions and laws of forbidden relationships will continue to produce more stable family structures and laws of buying and selling will continue to provide a mechanism to effect transactions. But if they completely lack a realistic basis, then changes in worldview and social structures can erode the power of these laws too. Economic shifts from agrarian to mercantile to modern-commercial can lead to difficulties with those traditional laws of transactions, and changes in moral sensibilities to challenge laws of forbidden relationships. This issue clearly requires more extensive discussion in another forum.

because these rationales will not be connected to the underlying ontology, they will tend to be didactic, symbolic or allegorical. And these types of explanations will not satisfy all worshippers or provide sufficient conviction. Consider the interpretation of the shofar as a symbol of faith that evokes the ram that Abraham sacrificed, or Philo's explanation of dwelling in a sukkah as a means to recall one's poverty when enjoying the riches of the harvest (*Special Laws*, II.204). Why not symbolize faith some other way or devise a better method to recall poverty if the rituals function simply to accomplish these ends?

Kabbalah responds to this crisis by providing a different worldview, a completely different ontology that reconnects law to reality. In this way a nominalist (or non-realist) understanding of the law again becomes realist. However—and this is the key point—it does not return to the original biblical-rabbinic realism, but changes to a very different realism, a change achieved by the replacement of the classical rabbinic ontology with the kabbalistic one. In my view, then, there was sufficient continuity between the biblical, second temple and rabbinic worldviews such that law was still understood in a fundamentally realist way, though with an increasing nominalist dimension. As the worldviews drifted farther apart with the passing centuries, as the period we call Late Antiquity became the Middle Ages, as the ancient worldview was replaced by the medieval mentalité, Jewish law was perceived increasingly in nominalist (or non-realist) terms, which led to a type of crisis.[118]

Let me emphasize that I do not believe that it is impossible to have a purely nominalist view of law, or a view that accepts "value-based" rationales for the commandments, or that offers symbolic interpretations for laws and rituals. Nor do I claim that such understandings of the commandments will always lead to alienation and crisis. Maimonides, of course, was not a legal realist, and many others have been and continue to be non-realists, both Jews and gentiles. I am simply claiming that the lack of realism *can* have this effect

118 This model is therefore fully compatible with the argument that "the theurgic model in Kabbalah was a reaction to the (non-realistic) rationales for the mitzvoth presented in the school of Maimonides," which Lorberbaum adduces, referring to M. Idel, "Maimonides and Kabbalah," in *Studies in Maimonides*, ed. I. Twersky (Cambridge, MA: Harvard University Press, 1990), 31–81.

on adherents of a particular cast of mind, and did so in the case of Kabbalah.[119] Consider the following passage from Moshe de Leon's *Sefer ha-Rimmon*:

> I have seen men who used to occupy themselves with Torah and the teachings of the rabbis, may their memory be for a blessing, day and night; and they used to serve the Omnipresent with a full heart, as is appropriate. And then, one day, scholars of Greek wisdom came to confront the Lord… They occupied themselves with those books [of Greek wisdom] and their minds were drawn after them until they left the teachings of the Torah… … I have also seen them during the holiday of Sukkot standing in their place in the synagogue watching the servants of God circling the Torah scrolls in the ark with their lulavim, and the former were laughing and casting aspersions upon them. They said that they were fools, lacking in understanding, while they themselves had neither lulav nor etrog. They contended, "Did not the Torah say that this taking [of the lulav and etrog] was on account of the verse, *And you shall rejoice before the Lord your God seven days*? (Exod 23:40). You think that these [four] species will cause us to rejoice? Vessels of silver and gold and [valuable] garments will cause us to rejoice and delight!"[120]

De Leon is dealing with the dangers of philosophy, and accusing those who have been influenced by philosophical rationalism with antinomianism and rejection of the commandments. Yet the perspective he attributes to his antagonists, I believe, helps us to understand the alienation that can result from a predominantly nominalist (or non-realist) view of the law. These rationalists do not have a realist view of the lulav, such as the belief that waving the species causes rain to fall. They believe the lulav should serve as a symbol and expression of joy, but it does not even serve those functions in this time and place, or not as well as do material possessions. These scoffers are aware of the reasons for the commandment, but no longer find those reasons meaningful or effective. They could wave the lulav because they know what it is supposed to represent, or solely in order to fulfill the

119 Though this was obviously not the only factor, but one among many factors, historical, ideological, and cultural.

120 Translation from Joel Hecker, *Mystical Bodies, Mystical Meals: Eating and Embodiment in Medieval Kabbalah* (Detroit: Wayne State University Press, 2005), 62.

commandment of the Torah, but it would feel like a meaningless gesture. The various kabbalistic and Lurianic interpretations of waving the lulav for its important theurgic effects clearly do much to address this problem. But of course these realist interpretations are predicated on a new ontology.

THE ABOLITIONISTS AND THE JEWS

Author(s): Louis Ruchames

Source: *Publications of the American Jewish Historical Society*, December, 1952, Vol. 42, No. 2 (December, 1952), pp. 131-155

Published by: The Johns Hopkins University Press

Stable URL: https://www.jstor.org/stable/43057515

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at https://about.jstor.org/terms

The Johns Hopkins University Press is collaborating with JSTOR to digitize, preserve and extend access to *Publications of the American Jewish Historical Society*

This content downloaded from 50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

THE ABOLITIONISTS AND THE JEWS

By Louis Ruchames

The Abolitionists appear in a most unflattering guise in Bertram W. Korn's study of *American Jewry and the Civil War*,[1] and in his essay on "Isaac Mayer Wise on the Civil War."[2] Admittedly uncompromising in their zeal for Negro rights, the Abolitionists are pictured as power-hungry politicians, heedless of the welfare of minority groups other than Negroes, and guilty of prejudice and discriminatory acts toward foreigners and Jews.

The primary source of Doctor Korn's views is Rabbi Isaac Mayer Wise, whose political and economic conservatism, and sympathy for the platform of the Democratic party, blinded him to most that was laudable in the strivings of the leaders of the anti-slavery movement. Although Doctor Korn acknowledges Rabbi Wise's prejudices,[3] he, nonetheless, accepts, with almost no questioning, the latter's facts, opinions and conclusions, and adds a few items of his own. The purpose of this study is to indicate the errors in Doctor Korn's and Rabbi Wise's views and to adduce facts which suggest a portrait quite different from that which has hitherto been presented. It is based upon an examination of the biographies, writings and speeches of such outstanding Abolitionists and anti-slavery leaders as William Lloyd Garrison, Wendell Phillips, Theodore Parker, Charles Sumner, Henry Wilson,

[1] Bertram W. Korn, *American Jewry and the Civil War* (Philadelphia: Jewish Publication Society of America, 1951).

[2] *Hebrew Union College Annual*, vol. XX (1947), pp. 635–658.

[3] See B. W. Korn, *American Jewry and the Civil War*, *supra*, p. 289, note 92.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

and Lydia Maria Child, and a study of *The Liberator*, and *The National Anti-Slavery Standard*, the two best known Abolitionist newspapers of their day. This study is confined, for the most part, to the Massachusetts anti-slavery men, who were the primary targets of Rabbi Wise's and, to a lesser extent, Doctor Korn's censure.

What stands out most prominently in the lives of the Abolitionists is their love of humanity, their hatred of oppression and discrimination of every kind, their sympathy with the downtrodden and the oppressed, and their unswerving devotion to equal rights for all men. Their efforts were concentrated upon helping the free Negro and the slave, for these were the most oppressed elements of the population of their day; but their devotion to equal rights extended also to the Jew, the foreigner and members of other minority groups. Although one sometimes finds, in their letters and other writings, expressions of racial stereotypes and prejudices, concerning both Negroes and Jews, these are infrequent and atypical, and do not affect their devotion to equal rights for Negroes and Jews. The basic philosophy of the Abolitionists was set forth by William Lloyd Garrison, in a sonnet which he wrote on December 10, 1840, on his thirty-fifth birthday.

O! not for Afric's sons alone I plead,
Or her descendants; but for all who sigh
In servile chains, whate'er their caste or creed:
They not in vain to Heaven send up their cry;
For all mankind from bondage shall be freed,
And from the earth be chased all forms of tyranny.[4]

Twenty five years later, when it was asserted that the Abolitionists had been interested only in the welfare of the Negro, *The National Anti-Slavery Standard* commented:

[4] Reprinted in *William Lloyd Garrison: Told by His Children* (New York, 1885), vol. II, p. 433.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

> It was not . . . "for the devastated Negro's sake" alone, but for the sake of humanity, white as well as black, and in the interest of freedom and free government universally, that abolitionists of our school sought by peaceful means to destroy a pro-slavery union.[5]

This portrait differs markedly from that presented by Doctor Korn and Rabbi Wise, where the Abolitionists appear as "politicians bent on securing power,"[6] ethically inconsistent, indifferent to the fate of Jews and foreigners, indeed, guilty of prejudice and discriminatory acts toward these minority groups. In order to ascertain the truth, let us examine the most important elements of the latter picture. These seem to be the following: the responsibility of the Abolitionists for the Massachusetts anti-alien law of 1859; the anti-Semitism of Henry Wilson, the anti-slavery Senator from Massachusetts; the alleged indifference of the Abolitionists and anti-slavery Republicans in Congress to General Grant's anti-Jewish order; and the welcome given to "Parson" Brownlow, the anti-Semitic clergyman from Tennessee, during his tour of the North.

* * *

"One characteristic of the abolitionists which aroused Wise's heated resentment," writes Doctor Korn, "was the ethical inconsistency revealed in their lack of concern for other minority groups. In 1859, for instance, the people of Massachusetts, by referendum, adopted an anti-alien law whereby the right to vote and hold office was denied to the foreign-born until they could certify a residence of seven years in the United States, and naturalization as citizens. This curtailment of the rights of white men in a state notorious for its violent abolitionists, convinced Wise that the abo-

[5] *The National Anti-Slavery Standard*, vol. XXV, no. 36 (June 14, 1864), second page (no pagination).

[6] B. W. Korn, *American Jewry and the Civil War*, *supra*, p. 26.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

litionists were not humanitarians, but that they, rather, were politicians with a peculiar program for achieving power."[7]

One of the implications of these sentences is that the Abolitionists were a dominant political force in Massachusetts and could therefore be held responsible for the anti-alien law. This actually was not so. The anti-alien law was passed through the efforts of certain leaders of the Republican party of Massachusetts. But the Republican party of that State was not an Abolitionist party, did not favor the emancipation of the slave, and included numerous members who were not opposed to the maintenance of slavery. Edith Ellen Ware, in a study of "Political Opinion in Massachusetts during Civil War and Reconstruction,"[8] emphasizes that the Republican party had few Abolitionists in it. The Republican party platform, she notes, "was clearly not abolitionist, and although it had some radical followers, the most of the extremists stood without and criticized."[9] Indeed, "never can it be said that abolition was to Massachusetts the cause, the end or the aim of the war . . . Union, *not* abolition, was the watchword of Massachusetts. Emancipation was incident and coincident . . ."[10]

A study of the writings and speeches of the best known anti-slavery leaders of Massachusetts, even those in the Republican party, reveals their consistent opposition to the anti-alien law; indeed, to all anti-foreign agitation. On April 8, 1859, at the height of the agitation for the law, *The Liberator*, William Lloyd Garrison's weekly newspaper, pub-

[7] "Isaac Mayer Wise on the Civil War," *supra*, p. 643; see also B. W. Korn, *American Jewry and the Civil War*, pp. 26–27, for a similar statement. Korn's description of the 1859 law is not adequate. It was an amendment to the Massachusetts constitution, and provided that foreigners could not vote or hold office unless they had resided in the United States for two years after naturalization, thus increasing their total probationary period from five to seven years. The law was repealed in 1863.

[8] *Studies in History, Economics and Public Law*, vol. LXXIV, no. 2 (New York: Columbia University, 1916).

[9] *Ibid.*, p. 85.

[10] *Ibid.*, p. 108.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

lished a letter from K. Heinzen, the editor of the *Pionier*, a newspaper published in Boston, for German immigrants. The letter condemned the proposed law and asked Garrison for his opinion of it. Garrison, in an editorial comment in the same issue, replied as follows:

> While we do not go to the polls ourselves, (having long since withdrawn from them as a matter of conscience,) we, nevertheless, strongly condemn an act of political injustice like that referred to by the editor of the "Pionier"; and we have scarcely a doubt that the proposed amendment to the Constitution of Massachusetts, should it be submitted to the people, will be rejected by a decided majority. "Know-Nothingism" has had its day, and this is its last expiring effort. It is but justice to say that, outside of this Commonwealth, no countenance is given by the Republican journals to this proscription.[11]

The same issue of *The Liberator* carried a statement, entitled "Address of the German Citizens of Toledo, Ohio, to the People of Massachusetts," which condemned the proposed legislation and the Republican party of Massachusetts for supporting it, and ended with a plea to "the People of Massachusetts to reject the proposed amendment to their Constitution."[12] Concerning this statement, *The Liberator* commented that

> We heartily respond to the following just and responsible appeal, in regard to the attempt to change the Constitution of Massachusetts, so as to bear proscriptively and invidiously against our naturalized fellow-citizens in the exercise of the elective franchise.[13]

There also appeared in this issue the reprint of an editorial from the *Chicago Tribune*, which denounced the proposed law. Two weeks later, *The Liberator* again affirmed the fact that "the abolitionists have never sought to proscribe our foreign

[11] *The Liberator*, vol. XXIX, April 8, 1859, p. 56.
[12] *Ibid.*
[13] *Ibid.*

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

population at any time or in any way." It added the very appropriate comment, however, that

> We have no sort of respect for any foreign naturalized citizen who is denouncing as unjust and tyrannical the proposition to add two years to the term fixed by the naturalization law, before the right to vote can be enjoyed, but who, at the same time, cares nothing that four millions of *native-born Americans* are stripped of every right, ranked with the brutes, bought and sold as property, and subjected to insults, outrages and tortures innumerable. His love of liberty is nothing but personal selfishness.[14]

In subsequent issues, *The Liberator* reprinted various other condemnations of the proposed law: a speech by Carl Schurz, delivered in Boston's Faneuil Hall, on April 18th,[15] a letter from Henry Wilson,[16] an editorial from the *Provincetown Banner*,[17] and an extract from a speech delivered by William H. Herndon, Abolitionist and law-partner of Abraham Lincoln, in Illinois. Herndon stated unequivocally:

> This law is wrong and unjust . . . I now repeat that, though I am native-born, my country is the world, and my love for man is as broad as the race, and as deep as its humanity. As a matter of course, I include native and foreign people, Protestant and Catholic, "Jew and Gentile."[18]

The vast majority of anti-slavery leaders and Abolitionists were no less opposed to the law. William Bean, in his study of "Puritan Versus Celt," stresses that "prominent local leaders like Henry Wilson, Charles Sumner, and John A. Andrew, later war governor, pleaded in vain with the voters to reject this illiberal measure."[19] Henry Wilson acted as chairman of the

[14] *Ibid.*, April 22, 1859, p. 62.
[15] *Ibid.*, April 29, 1859, p. 64.
[16] *Ibid.*, May 6, 1859, p. 69.
[17] *Ibid.*
[18] *Ibid.*, May 27, 1859, p. 84.
[19] William Bean, "Puritan Versus Celt, 1850–1860," *New England Quarterly*, vol. VII, p. 87.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

meeting at which Carl Schurz spoke in opposition to the law. The former also expressed his sentiments in a letter to the Honorable Francis Gillett, of Hartford, in which he affirmed that "Whatever others may do, I shall vote without hesitation or reluctance against the adoption of the two years' amendment to the Constitution of Massachusetts." He also emphasized:

> But I have ever declared that I would support no measure, even to reform these abuses, which would in the slightest degrade any man, or class of men; that I would give to every human being equal rights, the same equality I would claim for myself or my own son.[20]

The opposition of the Abolitionists to any attempt to deprive the foreign-born of equal rights is attested to by other facts. Oscar Handlin, in his study of *Boston's Immigrants*, notes that Charles Francis Adams, Wendell Phillips, and Charles Sumner "felt no ends justified nativist methods."[21] In 1855, Charles Sumner courted political suicide when, at the height of Know-Nothing influence in Massachusetts, he attacked that party and its anti-alien policy. Said he:

> It is proposed to attaint men for religion, and also for birth. If this object can prevail, vain are the triumphs of civil freedom in its many hard-fought fields, vain is that religious toleration which we profess. The fires of Smithfield, the tortures of the Inquisition, the proscriptions of Non-Conformists, may all be revived. Mainly to escape these outrages, dictated by a dominant religious sect, was our country early settled . . . Slowly among the struggling sects was evolved that great idea of the equality of all men before the law, without regard to religious belief; nor can any party now organize a proscription merely for religious belief without calling in question this well-established principle . . . The history of our country, in its humblest as well as most exalted spheres, testifies to the merit of foreigners . . . A party which, beginning in secrecy,

[20] Reprinted in *The Liberator*, vol. XXIX, May 6, 1859, p. 69; also, in part, in Thomas Russell and Elias Nason, *The Life and Public Services of Hon. Henry Wilson* (Boston, 1872), pp. 146–147.

[21] Oscar Handlin, *Boston's Immigrants, 1790–1865* (Cambridge: Harvard University Press, 1941), p. 208.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

> interferes with religious belief, and founds a discrimination on the accident of birth, is not the party for us.[22]

In a letter dated February 22, 1855, Theodore Parker, the leading Abolitionist clergyman, wrote:

> But it seems to me the American party rests on a very narrow foundation. I have no blood in my veins which did not come here between 1620 and 1640, but it is no better than if it had come between 1820 and 1840. Democracy must rest on humanity, not mere nationality or on modes of religion. I am as far removed from Catholicism as any man in America; but I should be ashamed to ask any religious privilege which I would not grant to any other man in the country. I would never exclude any man from office on account of his birth or religious creed; only for his character.[23]

It is well known that certain anti-slavery men did join the Know-Nothing or American party in Massachusetts. Of these, Henry Wilson was the most prominent. Wilson's biographer notes, however, that "He loathed the intolerant nativist spirit of the Know Nothings," and that he joined the party only in the belief that it could be liberalized and converted into "an important force for the cause of freedom."[24] To understand why Wilson remained in the party for several years, it should be noted that, in Massachusetts, the Know-Nothing Party consisted of two groupings, and that most measures aimed at restricting the influence of immigrants in politics "were," according to Handlin,

> sponsored by the purely nativist branch of the Party, which declined in importance after 1854 and left the reformers [among them Wilson] in control . . .[25]

The success of Wilson and other reformers in vitiating the anti-foreign platform of the party, from 1854 to 1857, when

[22] Edward L. Pierce, *Memoir and Letters of Charles Sumner* (Boston, 1893), vol. III, pp. 422–423.

[23] John Weiss, *Life and Correspondence of Theodore Parker* (New York, 1864), vol. II, p. 238.

[24] *Dictionary of American Biography*, vol. XX, p. 323.

[25] O. Handlin, *Boston's Immigrants, supra*, p. 211, note 99.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

it controlled the government of Massachusetts, is described by Handlin.

> Ostensibly the party had acquired power to restrict the influence of immigrants in politics. Yet, though it had absolute control of the government, it failed to pass a single measure to that effect.[26]

Indeed, "true nativists like Morse," he notes, "had so little sympathy for Massachusetts Know-Nothingism that they charged it was 'a Jesuitical ruse, gotten up for the purpose of creating a sympathy in favor of the church.' "[27]

* * *

The impression of the Abolitionists as schizophrenic humanitarians, prejudiced toward all minority groups other than Negroes, is strengthened by references to the anti-Semitic remarks of Henry Wilson, the anti-slavery Senator from Massachusetts. Doctor Korn cites two examples culled from the pages of *The Israelite*. On one occasion, following Judah P. Benjamin's secession speech in the Senate, Wilson scathingly rebuked the latter for seceding from a Union "which gives equality of rights even to that race that stoned Prophets and crucified the Redeemer of the World."[28] About a year later, in a debate on fiscal policy, he referred to "the Jew brokers," and "curbstone Jew broker" in a speech.[29] Doctor Korn, referring to these remarks, mentions that, in Rabbi Wise's opinion, "the anti-Semitic character of some abolitionists discredited the entire movement."[30]

In evaluating Wilson's remarks, several factors should be kept in mind. First, such public expressions of animus toward

[26] *Ibid.*, pp. 210–211.

[27] *Ibid.*, p. 211, note 99.

[28] B. W. Korn, *American Jewry and the Civil War*, *supra*, p. 168.

[29] *Ibid.*, p. 168. The original source of both remarks is *The Congressional Globe*, 36th Congress, 2nd Session, Feb. 21, 1861, p. 1091; and 37th Congress, 2nd Session, Feb. 13, 1862, p. 789.

[30] "Isaac Mayer Wise on the Civil War," *supra*, p. 644.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

Jews is rare in Abolitionist literature. Charles Sumner, Wilson's colleague in the Senate, never, in his entire lifetime, uttered an anti-Semitic or anti-Jewish remark. Nor does one find any example of a similar remark, publicly uttered, by any of the other Abolitionist leaders we have mentioned. Wilson's remarks were isolated expressions in a public career which extended over thirty years, more than fifteen of which were spent in the Senate. We know, moreover, that as chairman of the Senate Military Affairs Committee, Wilson played an important part in securing equal chaplaincy rights for Jews. The Reverend Bernhard Felsenthal, of Chicago, whose mind was not clouded by anti-abolitionist bias, believed that Wilson had championed the revision of the existing law, which provided only for Christian chaplains, and attributed to him the favorable response of the Military Affairs Committee to the idea of Jewish Chaplaincy rights.[31] It was Wilson, indeed, who, as chairman of the Committee, introduced the revised bill in the Senate, and urged its passage.

Doctor Korn heightens the impression of Senator Wilson's anti-Semitism and makes it seem a natural outgrowth of other prejudices, by citing his earlier membership in the Know-Nothing Party and remarking that he "had achieved office by way of the Know-Nothing agitation against aliens and Catholics."[32] As we have previously shown, however, the available evidence indicates that Wilson did not subscribe to that Party's anti-alien program. Instead, he helped to prevent the passage of anti-alien legislation at the height of Know-Nothing power in Massachusetts, and he publicly and forthrightly opposed the passage of the 1859 anti-alien law.

[31] *Sinai*, vol. VII, pp. 200–201. One finds a strange contradiction in Doctor Korn's writing on this subject. In his essay (p. 644), he accepts Rabbi Felsenthal's opinion about Wilson's part in the affair as correct. In his book, he writes that "The Republican rabbi of Chicago, the Rev. Bernhard Felsenthal, must have been confused about Wilson's attitude towards the Jews." See p. 289, note 92.

[32] B. W. Korn, *American Jewry and the Civil War*, *supra*, p. 168.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

In short, although at a certain period of his career, Wilson made certain anti-Semitic remarks, this anti-Semitism was limited in time and in its expression, it does not seem to have been related to any anti-alien sentiment, it was a rare occurrence if judged in terms of an entire lifetime, it did not affect his espousal of equal chaplaincy rights for Jews, and it was not typical of the public statements of other anti-slavery leaders.

* * *

The reaction of anti-slavery Republicans to Grant's Order No. 11, issued on December 17, 1862, in which he expelled all Jews from the Department of the Tennessee, has been a fertile source of condemnation of Abolitionists and Republicans alike. The anti-slavery Republicans in Congress, in particular, have incurred more than a modicum of censure in Doctor Korn's treatment of this issue. Their refusal to pass a resolution censuring General Grant has been interpreted as confirmation of their indifference to the welfare of Jews.

The order was issued, let us remember, when Northern military fortunes were at their nadir. Charles Sumner's biographer, Edward L. Pierce, writes that

> The year 1862 closed disastrously to our arms; and the first half of the next year was discouraging to the patriot heart . . . It was a period of despondency among soldiers and among the people. Many of Sumner's correspondents describe the deep and prevailing gloom in the community.[33]

Grant, as Doctor Korn admits, was "the only general who seemed to be able to win battles."[34]

It was under these circumstances that Democratic Senator Powell of Kentucky introduced his resolution, on January 5th, condemning the order as "illegal, tyrannical, cruel, and unjust,"

[33] E. L. Pierce, *Memoir and Letters of Charles Sumner, supra*, vol. IV, p. 113.
[34] B. W. Korn, *American Jewry and the Civil War, supra*, p. 127.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

and requesting the President "to countermand" it.[35] It should be emphasized that the resolution was introduced *after* the order had been revoked and the rights of the Jews in the Department of the Tennessee had been restored. The purpose of the resolution was, thus, not to restore such rights but, as Doctor Korn suggests, "to take a poke at the Republican Administration,"[36] and to hinder the war effort by publicly censuring "the only general who seemed to be able to win battles." Obviously, the Republicans would have been short-sighted and recreant to the best interests of the war effort and the liberation of the slave had they permitted the resolution to pass. Their final decision was to table it, at the same time expressing disapproval of the type of policy represented by the order, namely, the wholesale condemnation of an entire class of people.

To Doctor Korn, however, this action meant that "Political considerations were paramount, and damaged ideals were secondary."[37] Apparently, the winning of the war against slavery and the liberation of an entire race were no more than "political considerations." One sees here the subtle influence of Rabbi Wise's pro-slavery views, which did not take the form of an open defense of the institution of slavery, but condemned any effort to free the slave, maligned those who sought to do so, and denounced the condemnation of slavery in the South. Moreover, the suggestion that when the Senate voted to table the resolution there remained certain "damaged ideals" is specious. The implication is that the rights of Jews had not been restored in the Department of the Tennessee. Such implication is incorrect in view of President Lincoln's earlier action in revoking the order.

Nor is it true, as Doctor Korn states, that "The vote to

[35] This phrase was removed when it was called to Senator Powell's attention that the President had countermanded the order.

[36] *Ibid.*, p. 127.

[37] *Ibid.*

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

table, 30 to 7, really ignored the violation of Constitutional rights affected by The Order."[38] No question of constitutional rights was involved. Nor would the passage of the resolution have restored or granted any legal rights not already held by the Jews of the Department of the Tennessee. At best the resolution was only an expression of opinion, not a right-giving document. The only one capable of righting the wrong committed by General Grant was President Lincoln, not Congress. Congress had no direct jurisdiction over General Grant, who held his position and issued orders by virtue of the authority given him by President Lincoln. At best, Congress could only suggest to the President that he countermand the order. Since he had already done so, the matter was clearly settled.

It is interesting to note that President Lincoln never did condemn Grant publicly for issuing the order. He merely had the order revoked. If anyone were called upon to condemn General Grant and the order itself, it should have been President Lincoln, who had appointed Grant in the first place and given him the power to issue orders. Lincoln, however, did not censure Grant in any way. Yet, Doctor Korn condemns the Republicans in Congress, and singles out the anti-slavery leaders, for following a policy based upon agreement with President Lincoln's action — revoking the order but not making a formal, public condemnation of Grant.

One more word. In discussing the debate in the Senate over Senator Powell's resolution, Doctor Korn comments that the Republicans — he mentions Hale and Clark of New Hampshire and Wilson and Sumner of Massachusetts — did not defend "the Order itself; they all had Jewish constituents. They paid lip-service to the right of the Jew to legal procedure."[39] How important Jewish votes were to anti-slavery Senators Hale and Clark, may be judged from the fact that even as late as 1906 there were only "two Jewish congregations in New Hampshire,

[38] *Ibid.*, p. 128. [39] *Ibid.*, p. 127.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

with a total membership of eighty persons."[40] Moreover, Wilson, during the debate, did far more than "pay lip-service to the right of the Jew to legal procedure." He expressed disapproval of the order in no uncertain terms.

> I do not approve of the order; I think it was unwise; I have no doubt it was unjust. It is wrong to single out any particular class of men in this country, and as a class condemn them.[41]

Finally, anyone familiar with the career of Charles Sumner would know that time and again he defied the votes of constituents and courted political disaster, as in his opposition to the Know-Nothing agitation, to uphold the principle of equal rights for all men. Thus the motive imputed to the four Senators we have mentioned is exceedingly wide of the truth and, in so far as it implies that they were hypocritical in their response to the entire issue, is an injustice to each of them.[42]

* * *

In 1862, "Parson" Brownlow, the anti-Semitic, pro-Union, Protestant clergyman from Tennessee, toured the North. Doctor Korn writes as follows of Northern reaction to Brownlow:

> Once he had reached Union territory, he became a national hero and made a triumphal tour of the North. Everywhere he spoke he took a poke at "the little Jew" who had persecuted and oppressed him. The North virtually lionized him . . . .[43]

Rabbi Wise, by implication, attributed what he alleged to be the favorable welcome given to Brownlow by the Abolitionists to Abolitionist prejudice toward the Jew.[44]

[40] *Universal Jewish Encyclopedia*, vol. VIII, p. 165.

[41] *The Congressional Globe*, 37th Congress, 3rd Session, p. 246.

[42] A similar criticism may be made of Doctor Korn's treatment of the resolution concerning Grant in the House.

[43] B. W. Korn, *American Jewry and the Civil War*, *supra*, p. 167.

[44] "Isaac Mayer Wise on the Civil War," *supra*, p. 644.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

The crucial question, of course, is, to what extent did the Abolitionists welcome Brownlow? The answer is that they were the one group in the population who despised Brownlow and refused to welcome him. *The National Anti-Slavery Standard,* in commenting upon Brownlow's tour, described him as "the blackguard Parson Brownlow," and asserted,

> We are sorry to say that many respectable citizens are not ashamed to be found "lionizing" the creature who never opens his mouth without emitting a stream of vulgarity and profanity.[45]

In similar fashion, *The Liberator* wrote:

> . . . a more coarse-minded, vulgar, abusive, pugilistic disputant it would be difficult to find. It is something to his credit, under such trying circumstances, that he refused to play the traitor; but this makes him neither a gentleman nor a Christian.[46]

* * *

The Abolitionists, like other human beings, undoubtedly had their faults. Some, such as Wilson and Parker, accepted certain stereotyped opinions and prejudices concerning Jews and, at times, gave expression to these prejudices. Yet, as one studies Abolitionist writings and speeches, one finds an unflagging devotion to equal rights for all men, including Jews and aliens, unsurpassed by any other group of their day. They show, too, a sympathy and insight into Jewish suffering which is rare for the period, and far overshadows whatever faults they may have had.

In 1849, in a famous case argued before the Supreme Court of Massachusetts, involving the segregation of Negro school children in the public schools of Boston, Charles Sumner expressed his abhorence of Jewish as well as Negro segregation. "The Jews in Rome," he pointed out,

[45] *The National Anti-Slavery Standard,* vol. XXII, April 26, 1862, second page (no pagination).

[46] *The Liberator,* vol. XXXII, April 18, 1862, p. 62.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

> are confined to a particular district called the Ghetto, and in Frankfort to a district known as the Jewish Quarter. It is possible that their accomodations are as good as they would be able to occupy, if left free to choose throughout Rome and Frankfort; but this compulsory segregation from the mass of citizens is of itself an *inequality* which we condemn. It is a vestige of ancient intolerance directed against a despised people. It is of the same character with the separate schools in Boston.[47]

Theodore Parker speaks derogatorily, in several of his letters, of certain allegedly Jewish traits. On the other hand, in many other letters, in his journals, and in public speeches he pays glowing tribute to Jewish ideals and achievement. In the famous autobiographical letter to his congregation, shortly before his death, he writes:

> For fifteen hundred years the Jews, a nation scattered and peeled, and exposed to most degrading influences, in true religion have been above the Christians.[48]

In 1843, Parker visited Europe. He describes, in his journal, his visit to the Jewish quarter of Prague and the emotional impact of the Jewish cemetery upon him.

> Here are the graves of famous Rabbis, of good Levites; of nobles, also, for in this land the Jews sit down with princes. I never saw a Jewish grave-yard before, and this spot made me feel as never before. I have an inborn affection for this mysterious people, for ages oppressed, yet green and living still. I thought of the service they had done mankind — and the reward they got! Abraham, Isaac, and Jacob, Moses and the Prophets, came up to my mind, and He who was the culmination of Hebrewdom, the blossom of the nation. I shall never forget my feelings as I also laid a stone piously on the tomb of a Patriarch who died 1000 year ago, and plucked an elder leaf from the tree that rooted among his mouldered ashes.[49]

[47] "Equality Before the Law," in *The Works of Charles Sumner*, vol. II (Boston, 1894), p. 364.

[48] J. Weiss, *Life and Correspondence of Theodore Parker, supra*, vol. II, p. 497.

[49] *Ibid.*, vol. I, p. 214.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

Concerning his crossing of the bridge over the Moldau, he writes:

> Went to the famous bridge over the Moldau, from which John of Nepomuck was thrown . . . Here was a crucifix of gilt bronze, erected out of the fines paid by the Jews for blaspheming the Christian religion! It stands there to insult them every time they pass the stream! What would Jesus say of them who take his name in vain, could he come back.[50]

Parker was deeply interested in Hebrew and rabbinic literature — in his youth he taught Hebrew at the Cambridge Theological Seminary[51] and he learned Hebrew from a Jewish teacher, a Mr. J. Seixas[52] — and he writes feelingly of his visit to a Jewish bookshop in Prague:

> I went into a Jewish book-store, and bought a few Hebrew books as memorials of the place and the nation; Hebrew prayers and Hebrew stories — no nation excels them for both — and a little modern Hebrew poetry. The little old man was attentive, and seem [*sic*] pleased that a stranger took interest in Hebrew literature. He had a fine copy of the Talmud, twelve volumes, large paper, for forty gulden![53]

In 1858, Parker summed up his social and religious creed, in a letter to Mrs. Julia Bridges:

> I find good and religious men amongst all classes of men, Trinitarians, Unitarians, Salvationists, and Damnationists, Protestants, Catholics, Jews, Mahomedans, Heathen. There is one God for us all . . .[54]

One finds few references in the writings of William Lloyd Garrison to the Jews of his day. However, in one such reference, in an article written in 1831, on "The Colored Population of the United States," he shows the similarity between discrimination directed against the Jew and that encountered by

[50] *Ibid.*, pp. 214–215.
[51] *Ibid.*, p. 73.
[52] *Ibid.*, p. 61.
[53] *Ibid.*, p. 215.
[54] *Ibid.*, vol. II, p. 252.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

the Negro and other oppressed groups. After describing the situation of the Negro in the United States, he states:

> The division of society into castes is not peculiar to this country or to the present age. In every age and almost every nation, institutions of a similar character have been found. By castes I mean classes or ranks of men divided from their fellows, not by any just cause of distinction, as virtue or vice, wealth or poverty, learning or ignorance, talent or incapacity, but by a difference in legal or social rights, originating in hereditary or unreasonable distinctions . . . In Russia and other parts of Europe, there are serfs, or hereditary bondmen, attached to the soil. The Catholics in Great Britain and Ireland were, for a long time, a degraded caste, debarred from civil and political rights, and subject to severe penal laws . . . The Jews in Europe were for a long time in a similar situation, being despised and abused from the mere circumstance of their descent and religion. The prejudice against the Jews, though very much abated, continues even at the present time.[55]

His devotion, however, to equal rights for all, including Jews, is expressed in an editorial which he reprinted in *The Liberator* from the *Philadelphia Press*. The editorial condemned a proposed amendment to the Constitution affirming belief in God and the divinity of Jesus Christ. In expressing its condemnation, the editorial emphasized that

> no one can fail to see that the Jew, Unitarian, or Deist could not worship in his own way, as an American citizen, precisely because the Constitution, under which his citizenship exists, would make faith in the New Testament and the divinity of Jesus Christ a national creed.[56]

It is interesting to note that, in 1858, *The Liberator* supported the exclusion of the Bible from the Common Schools of Boston, an issue of some importance at the time. "We deny the right of the State," Garrison wrote, "to take the common money to buy Bibles, any more than to build churches or to sustain a priest-

[55] *The Liberator*, vol. VIII, Sept. 21, 1838, p. 150.
[56] *Ibid.*, vol. XXXIV, Dec. 16, 1864, p. 204.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

hood."[57] Finally, mention ought to be made of a very moving poem which appeared in *The Liberator* on April 22, 1859.[58] Entitled "An Israelite, and an American Law," it contrasted the City of Refuge provided for the slayer in Jewish law with the American policy of returning the fugitive slave to his owner. The poem reads, in part, as follows:

Christian America! hast thou no State
Where Slavery's fugitives may safely wait?
No refuge cities, where the innocent,
With long and anxious flight weary and spent,
'Neath just and equal laws secure may rest,
No human bloodhounds daring to molest?

Yet, noble Hebrew Leader, such will plead —
Slave-torturers, slave-sellers — plead thy laws
To sanction wickedness; and call their creed
More merciful than thine. They will not pause
To mark thee, in thy nation's righteous cause,
Choose freedom in the wilds with danger rife,
Leave pomp and luxury for a wanderer's life.
Thou couldst not change the manners of thine age;
But where thou couldst not change, thou didst assuage.
Slaveholders slander thee whene'er they plead
Thy laws to sanction a vile, cruel deed;
Yet e'en they dare not say in them is found,
Thou mad'st all Israel one hunting-ground,
Where slaves were game, and Israel's greatest men,
Judge, elder, priest and Levite, all were bound
To act as guardians over a slave pen.
Thou who didst give to blameless homicide
Safety, until the Law his cause decide,
Thou wouldst not punish those whose kindness gave
Food, shelter, pity, to a trembling slave.
Yet here, even where the churches' shadows fall,
The hunted slaves in vain for pity call!

Tenterden, (England)

JANE ASHBY

[57] *Ibid.*, vol. XXVIII, Dec. 17, 1858, p. 202.
[58] *The Liberator*, vol. XXIX, p. 64.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

Another prominent abolitionist was Lydia Maria Child. An author of note, novelist, biographer, historian, and an editor of *The National Anti-Slavery Standard*, she wrote one of the most effective and best-known anti-slavery tracts of pre-Civil War days, "An Appeal in Favor of that Class of Americans Called Africans." Her interest in Judaism was expressed as early as 1841 in an essay she wrote concerning her visit to a New York synagogue.[59] In 1855, Lydia Child published a three-volume work entitled *The Progress of Religious Ideas, Through Successive Ages*. Writing as a devoted Christian, her discussion of Jewish disabilities and of the persecution of Jews by Christians is remarkable. She comments, as follows, upon Christian treatment of the Jew:

> As a general thing, Christians have manifested very little kindness, or candour, in their estimate of other religions; but the darkest blot on their history is their treatment of the Jews. This is the more singular, because we have so much in common with them. We worship the same God, under the same name; we reverence their Scriptures; we make pilgrimages to their Holy City. Christ, and his Mother, and his Apostles, were Jews, and appear to have conformed to the established worship of the country; which we consequently claim as our sacred land. That the crucifixion occurred there was the fault of very few of the people . . . But though so few were implicated in the cruel transaction, the Fathers were accustomed to speak of all Jews, in all parts of the world, as "murderers of Christ"; and they were everywhere hated and persecuted, as if each one of them had put him to death, knowing him to be the Son of God. For nearly two thousand years has this rancorous hostility been perpetuated, though it rests on such an unjust and irrational foundation. And men who branded all the Jews as outcasts, who plundered and slaughtered them, for an offence committed by a small number of their very remote ancestors, were accustomed to quote, as their standard, the prayer which

[59] See *The National Anti Slavery Standard*, vol. II, Sept. 23, 1841, p. 63. This was the sixth of her "Letters from New York." It appeared later in a volume entitled *Letters From New York* (New York and Boston, 1845), pp. 37–47. See Lee M. Friedman, "Mrs. Child's Visit to a New York Synagogue in 1841," *Publications of the American Jewish Historical Society*, no. XXXVIII, part 3 (March, 1949), pp. 173–184.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

Jesus offered for those who were the immediate causes of his death: "Father, forgive them; for they know not what they do."[60]

Concerning the refusal of Jews to convert to Christianity, she writes:

If we looked at the subject candidly, I think we should acknowledge as heroic martyrs, those men and women, who resisted constant appeals to their fears and their selfishness, and at the cost of incredible sacrifices and sufferings, still set their faces steadfastly toward Jerusalem, and replied: "After this manner worship we the God of our fathers." Ever since I have reflected on the subject, I have never been able to do otherwise than reverence their firmness and their faith.[61]

In a letter to a friend, in 1859, she wrote concerning a certain Jewish author:

A Jewess she is, of course. I am always pleased to have the Jews do anything great; as I am to have the colored people, or any other persecuted race.[62]

Abolitionist abhorrence of discrimination against the Jew, and interest in Jewish life, customs and institutions may be gathered from reading *The National Anti-Slavery Standard*, a weekly newspaper, the official organ of the American Anti-Slavery Society, published and edited in New York by Garrisonian abolitionists. Among the editors were such outstanding anti-slavery leaders as Oliver Johnson, Sydney Gay, Lydia Child and her husband, David Lee Child, and James Russell Lowell.

The tone of the publication was set in its very first issue, in June, 1840, when it announced that

Our platform is as broad as humanity, and our invitation to all. Come on, then, to the conflict! Jew and Gentile, colored and white, men and women . . . .[63]

[60] Lydia M. Child, *The Progress of Religious Ideas, Through Successive Ages* [3 volumes] (New York, 1855), vol. III, pp. 439–440.

[61] *Ibid.*, p. 441.

[62] *Letters of Lydia Maria Child* (Boston, 1883), p. 141.

[63] *The National Anti-Slavery Standard*, vol. I, June 11, 1840, p. 2.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

That *The Standard's* interests were as broad as humanity may be seen from the many articles it published concerning Jewish customs and ceremonies, Jewish communities in different parts of the world, and various issues relating to Jewish life.[64] In November, 1844, in an editorial entitled "Movements of the Jews," it mentioned Mordecai M. Noah's plan for the creation of a Jewish refuge in the United States, discussed the early Zionist movement sympathetically, and discerned

> a better and more happy destiny reserved for the Jewish people, through a proper estimate of the principles and duty of Christianity.[65]

In December, 1858, at the height of American interest in the Mortara case, *The Standard* carried a long editorial which condemned the papal authorities and criticized President Buchanan's refusal to intervene. Referring to the kidnapping as "this crime against Religious Liberty and natural right," and as "an atrocity which may well arouse the sympathetic indignation of the civilized world," it asked, referring to the President's policy of neutrality:

> ... what impropriety could there be in one Christian government remonstrating with another on a gross infringement of the laws of nature and of natural justice?

The answer it gave was that it was slavery, with its denial of the rights of the Negro, that made it so difficult for the President to intervene on behalf of the Jewish child.[66]

An event which should have evoked any anti-Semitism latent in the minds of the editors of *The Standard* was Dr.

[64] *Ibid.*, vol. I, Aug. 27, 1840, p. 48; vol. II, Sept. 23, 1841, p. 63; vol. II, Feb. 17, 1842, p. 148; vol. IX, Feb. 1, 1849, p. 144; vol. IX, March 29, 1849, p. 176; vol. XII, Sept. 11, 1851, p. 64; vol. XIV, Oct. 1, 1853, p. 76.

[65] *Ibid.*, vol. V, Nov. 21, 1844, p. 100.

[66] *Ibid.*, vol. XIX, Dec. 11, 1858, no. 30. Morris U. Schappes in his *Documentary History of the Jews in the United States* (New York: The Citadel Press, 1950), p. 386 and p. 674, note 6, provides further evidence that slavery prevented active American intervention in the Mortara case.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

Raphall's defense of slavery in 1861. *The Standard* reacted to it by featuring a letter from one of its readers, which refuted Dr. Raphall's opinions and emphasized their divergence from both traditional Judaism and Christianity. "I am sure," the letter began, "that you and every good *Ye-hoode* (Jew), as well as every good *Go-e* (Gentile), must have been surprised and mortified in reading the sermon preached by Dr. Raphall . . This statement no pious *Ye-hoode* or *Go-e* in Europe or America will believe." The letter also asserts that "he cannot be either a pious Jew or Christian who is a slaveholder; but infidels of both sects have done it."[67]

At a later date, in 1862, *The Standard* drew an interesting parallel between persecution of the Jew and the Negro. Remarking that the whites "choose to oppress the dark people in a manner as thorough-going as the Venetians did the Jews, at once tyrannizing over them and libelling them," it made the following observation, in a footnote:

> We are told that Shakespeare, in the Merchant of Venice, reversed the characters in the old story which served as a foundation for his plot, to suit the prejudices of his English audience; and that the baseness and cruelty ascribed to the Shylock of his play were historically true of the Antonio. Shylock's defence of himself and his tribe against the contempt and injustice of the people who passed for Christians at that time was a just and fair defence. And the colored people may appropriately use the same against the sanctimonious oppressors who call themselves Christians at the present day.[68]

Finally, one ought to mention the well-known report delivered at the 1853 meeting of the American and Foreign Anti-Slavery Society. This report summarized the attitudes of American Jews toward slavery and the extent of their participation in the American anti-slavery movement. It said:

[67] *The National Anti-Slavery Standard*, vol. XXI, March 16, 1861, second page (no pagination).

[68] *Ibid.*, vol. XXIII, May 24, 1862, second page (no pagination)

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

> The Jews of the United States have never taken any steps whatever with regard to the Slavery question. As citizens, they deem it their policy "to have every one choose which ever side he may deem best to promote his own interests and the welfare of his country." They have no organization of an ecclesiastical body to represent their general views; no General Assembly, or its equivalent. The American Jews have two newspapers, but they do not interfere in any discussion which is not material to their religion. It cannot be said that the Jews have formed any denominational opinion on the subject of American slavery. Some of the Jews, who reside in slave States, have refused to have any property in man, or even to have any slaves about them. They do not believe that any thing analogous to slavery, as it exists in this country, ever prevailed among the ancient Israelites. But they profess to believe that "the belief of Abraham, enlarged by Moses, and now acknowledged by the Jews, is one of purity and morality, and one which presents the strongest possible support for civil society, *especially a government based upon principles of equality and liberty of the person*! They believe that the coming of the King Messiah will be the signal for universal peace, UNIVERSAL FREEDOM, universal knowledge, and universal worship of the One Eternal.
>
> The objects of so much mean prejudice and unrighteous oppression as the Jews have been for ages, surely they, it would seem, more than any other denomination, ought to be the enemies of CASTE, and friends of UNIVERSAL FREEDOM.[69]

In one of his few friendly comments concerning Abolitionists, Doctor Korn remarks that

> This report . . . was substantially correct, and in that regard rather unusual for an age in which so much misinformation about the Jews was broadcast far and wide.[70]

These selections will serve to indicate the broad nature of Abolitionist sympathies and ideals. The Abolitionists con-

[69] The complete text appears in M. U. Schappes, *Documentary History, supra,* pp. 332–333. It is also quoted in part in Korn's *American Jewry and the Civil War, supra,* p. 15. The original source is *The Thirteenth Annual Report of the American and Foreign Anti-Slavery Society,* pp. 114–115.

[70] B. W. Korn, *American Jewry and the Civil War, supra,* p. 15.

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

centrated their efforts and their strivings on behalf of the Negro because the Negro was the most oppressed of all Americans — compared to whom the disabilities of others were of but minor importance. Yet the Abolitionists condemned oppression and discrimination wherever these existed. And their efforts to help the downtrodden slave and the despised free Negro frequently helped them to see, and understand, more than did others, the suffering of the Jew through the ages. Their creed and hope was the liberation of all mankind from the thraldom of oppression and inequality. And no one has better expressed that hope than Wendell Phillips, that great prophetic voice in the Abolitionist movement when, at the Thirtieth Annual Meeting of the American Anti-Slavery Society, he remarked:

> I hope another year will not finish before we meet here, our abolitionism lost in the universal joy, to rejoice that there is no chain on the continent; that there is nothing in the heart of the American which recognizes the distinction of races; but like the sublime monuments of antiquity, record the triumph in which all tongues, all races and all creeds mingle their prayers and offerings to a common Liberty and a common God.[71]

[71] *The National Anti-Slavery Standard*, vol. XXIV, May 23, 1863, second page (no pagination).

This content downloaded from
50.105.181.231 on Sat, 21 Mar 2026 05:23:29 UTC
All use subject to https://about.jstor.org/terms

academicresearchJournals

Vol. 1(1), pp. 1-14, January 2015
DOI: 10.14662/ARJHC2015.010
Copy©right 2015
Author(s) retain the copyright of this article
© 2015 Academic Research Journals
ISSN: 2437-2196
http://www.academicresearchjournals.org/ARJHC/Index.html

Academic Research Journal of History and Culture

Full Length Research

Jewish Financiers in the City of London: Reality versus Rhetoric, 1830 – 1914

Professor Ranald C. Michie

Department of History, University of Durham, Durham, England. DH1 3EX. E-mail: r.c.michie@durham.ac.uk

Accepted 11 December 2014

This paper explores the role and importance of Jewish financiers in the City of London during the 19th and 20th centuries. It also attempts to trace the public reaction to the presence of these Jewish financiers using evidence gleaned from contemporary novels. Finally it tries to explain the divergence between the contribution made by Jewish financiers to the success of the City of London as a commercial and financial centre, especially in the 19th century, and the continuing hostility to their presence among the British public at the time.

Key words: London as a commercial and financial centre

Cite This Article As: Michie RC (2015). Jewish Financiers in the City of London: Reality versus Rhetoric, 1830 – 1914. Acad. Res. J. Hist. Cult. 1(1): 1-14

INTRODUCTION

The City of London has been one of the leading financial centres in the world for the last three centuries. Throughout that period it owed part of its success to successive waves of immigrants. What these immigrants brought were skills, contacts and a determination to succeed which not only helped to maintain London as a dynamic financial centre but also provided it with the connections that were essential if it was to play an international role. (Michie 2005, Michie 2006a, Cassis 2006.) As the Financial Times observed in 2006, 'London is now a truly competitive international financial centre and the people who work in the financial services industry operate in what is the nearest thing to a true meritocracy. Nationality and ethnic background are unimportant and employees are as likely to have been educated in Paris, Bombay or St. Petersburg as in the UK.' (Financial Times, 2006.) Considering the long association of Jews with both commerce and finance it was inevitable that they would number among those immigrants who contributed to the success of the City of London over the centuries. (Jacobs, 1896. 171-9; Roth, 1938. 227; Hyamson et al, 1938. 391-3) What this paper seeks to identify is the particular contribution that Jews made to the City of London when it was the most important financial centre in the world, which it was between 1830 and 1914. However, the paper seeks to go further than that and also establish the public response to the presence of Jews in the City of London. A degree of popular antagonism towards Jewish financiers in the City was only to be expected as there was an underlying suspicion of anyone whose livelihood resembled that of a moneylender. (Withers, 1916. 111) That was the case regardless of race and religion, though the stereotype of the Jewish money lender was long established in British culture. Nevertheless, it might have been expected that this branch of anti-Semitism would have abated over the course of the 19th century as many of the most prominent Jewish financiers, such as the Rothschilds, became

increasingly integrated within British society while their important role in national finance was widely recognised. (Norton, 1828/1869. 146, 154, 169-170,195, Rubinstein, 1993. 52, Brett, 1945. 120, 139, Rosenberg, 1961. 14, 27, 33-5, 140, 168-9, 297, 344, Rabinowicz, 1974. 23-33; Chapman, 1988. 177)

Reality

Over many centuries London received a small but steady stream of Jewish immigrants attracted by its position as an international trading hub and a large manufacturing and retailing centre. The Askenazi Jews came from Germany, where many had been merchants. The Sephardic Jews arrived from Spain and Portugal, where many had been involved in small scale manufacturing and retailing. Each followed similar occupations in the UK but there was a gradual shift into finance both among the newcomers and within the families who settled in London. There was then an additional influx of Jews in the late 18th and early 19th century as the French Revolution in 1789 sparked decades of disruption and warfare across Continental Europe lasting until 1815. (Endelman, 2002. 4, 43-9; Rubinstein et al, 2011. 96, 185, 448, 558, 612-4, 638, 729; Ferguson, 1998. 51-2) As a result the City of London possessed a significant group of Jewish financiers by the 1820s. However, even in the areas of finance where they were prominent Jews were never dominant. The City of London attracted numerous non-Jews from Continental Europe as well as drawing upon the native population for talent. There were also areas of financial activity in which Jews were largely absent such as domestic banking and insurance, though a few notable exceptions existed.

Also London's Jewish community was a relatively small one, numbering around 20,000 in total by the early 19th century, and most were not engaged in financial activities. Most London Jews were poor and continued to live in the East End where they were engaged in such occupations as tailors, jewellers, watchmakers, street traders and second-hand clothes dealers. It was only a few that succeeded in international trade and finance. This settled Jewish elite was then joined by a small but steady trickle of Jews who were attracted by the openings London continued to offer for those engaged in trade and finance. Many German Jews came to the City of London where they could utilize their previous experience as partners or clerks in firms of merchants, brokers or bankers. The result was that by the 1850s Jewish financiers had become accepted within the City, and their importance valued because of their expertise and connections especially in international trade and finance. By then the success of this Jewish elite was being translated into an even wider acceptance as the fortunes they had accumulated allowed them to buy their way into the very top of British society. (Pollins, 1982. 43-8, 56-8, 60,108-112; Cottrell, 1985. 24-6, 30-1, 40; Hyamson, 1938. 391-3; Ferguson, 1998. 19, 55, 62; Brook, 1989. 16; Parkes, 1955. 42; Aris, 1970. 49; Endelman, 2002. 80-1) The important position occupied by Jews in the City of London was emphasised by Morrier Evans, in his 1852 description of the City, in which he observed that they were both feared because of their '…aptitude for business…' and admired for their '…honesty…' (Evans, 1852. 4, 17, 47, 101-4, 128, 170)

Between 1850 and 1880 the Jewish community in London became increasingly middle class, and contained a group of about two hundred households whose wealth was derived from financial and mercantile activity in the City, such as merchant banking, commodity and stock brokerage, arranging foreign loans, and currency and bullion transactions. These families tended to marry among themselves and migrate away from living in the City and the East End to establish homes in the West End or in North London, blurring the distinction between Jews and non-Jews. As many as 5,000, or 25 per cent, of London's Jews, were living in the West End and other suburban areas by 1880. The degree of acceptance can be judged from the removal of laws restricting Jewish freedom. (Lipman, 1986. xi-xiv; Kessler, 1996. 20-8; Endelman, 2002. 92-5; Ferguson, 1998. 55, 194, 304, 323-5, 341, 527-8; Hyamson, 1938. 391-3) As a result, according to Alderman, 'By the 1870s families such as the Sassoons and the Rothschilds moved easily within the highest echelons of London society; they formed an Anglo-Jewish aristocracy, interlocked by ties of marriage and by mutual recognition of communal as well as national obligations;…'(Alderman, 2008. 232-6) That trend continued in the following decades. It appeared that the Jewish financial elite had come of age translating success in business into social and political acceptability. It did not mean that anti-Semitism disappeared but it became less visible by the 1880s. (Gutwein,1994. 179-180; Lipman, 1954. 9,17,27,29,54, 65,68,70 , 99, 100; Alderman,1998. 3,7, 13, 15, 103-4, 117-9; Ferguson, 1998. 528, 589, 600, 774-8; Endelman, 2002. 150-1) Contributing to this acceptance of Jews was the nature of the business that they did. By 1880 most Jews in the City were engaged in complex international transactions ranging from issuing loans in London on behalf of foreign governments, as with the Rothschilds, to operations in securities and foreign exchange between the financial centres of the world, which was a speciality of Samuel Montagu. Obtaining the trust of those with whom they were dealing was a key element in their success whether it was the agents of indebted foreign governments or other bankers and brokers in the City and abroad as business of this kind involved both co-operation and competition. A reputation for expertise and honesty was a vital ingredient in maintaining this trust and so was jealously guarded by long established Jewish financiers

Table 1. Areas of Business in which Jews are Important (1883)

Business	Number of Firms	Number Jewish	Proportion Jewish
Birmingham Merchants	23	4	17%
Bristol Merchants	23	6	28%
Brokers	1,881	75	4%
Stockbrokers	2,826	141	5%
Cane Importers	7	3	42%
Cigar Manufacturing	300	66	22%
Coconut Merchants	3	3	100%
Curiosity Dealers	47	16	35%
Diamond Cutters	52	10	10%
Diamond Merchants	183	34	62%
Esparto Merchants	5	3	60%
Fancy Trade	270	40	15%
Horsehair Merchants	40	10	25%
General Merchants	2,700	135	5%
Money Changers	7	3	42%
Orange Merchants	8	6	75%
Ostrich Feather Dealers	23	13	57%
Piece Merchants	25	17	68%
Rag Merchants	141	28	20%
Sponge Importers	8	5	62%
Sponge Merchants	49	13	27%
Total	8,621	631	7%

Source: Joseph Jacobs, Studies in Jewish Statistics: Social, Vital and Anthropometric [London 1891] p 40

in the City. Some had even made it into the mainstream of British banking with Felix Schuster being the most important, though his father, a German Jewish merchant banker, had converted to Christianity. Even the more recently arrived Jewish financiers from abroad usually came with well established reputations gained in other financial centres. The Franco-Prussian war of 1870/1, for example, drove a number of German Jewish bankers to relocate from Paris to London. (Thane, 1986. 90; Gutwein, 1992. 52-4; Pollins, 1982. 112, 168)

Despite these more recent arrivals London's Jewish community remained tiny. In a study conducted in 1883 Joseph Jacobs concluded that the number of Jews in London was around 46,000 of whom only 5,000 were in business, including those in the City. Furthermore, there were only 1,500 really wealthy Jewish families who were living in the West End. Jacobs concluded that Jews dominated only a small number of specialised areas and these were found in commerce not finance. Trading in sugarcane, cigars, coconuts, diamonds, esparto grass, feathers, hair, oranges, sponges and cloth were something of a Jewish speciality. In 1881 the working population of the City of London is estimated at around 300,000 which would suggest that Jews comprised less than 2 per cent of the total, based on Jacobs' figure of 5,000. Within financial activities the proportion that was Jewish was clearly higher, with merchant banking being an area that contained a number of prominent Jewish firms. Nevertheless, there were also many non-Jewish merchant banks operating out of London, given its international role in trade and finance. In stock broking, which was also popular among Jews, Jacobs estimated that only 5% of the membership of the London Stock Exchange was Jewish. (Jacobs, 1891. 10-14, 37, 40; Ferguson, 1998. 808; Michie, 1992. 14). Table 1

Jacobs consulted the London trade directories for 1883 and identified those who were Jewish by their names. He then compared the number of Jews with the total in each category over a wide range of financial and commercial activities.

What emerges from a survey of the prominent Jews listed in *The Palgrave Dictionary of Anglo-Jewish History*

is that the numerical peak for those Jews active in the City was 1891, with both commercial and financial activities proving to be almost equally popular. (Rubinstein et al. 2011) London continued to be a major international commercial centre well into the 20th century and so attracted merchants and commodity brokers from abroad as well as providing an attractive career path for Jews from within the UK. The City was the location of global markets for sugar, tea, coffee, rubber, tin, copper, diamonds, gold and silver. In addition, as the City of London was also the leading international financial centre before 1914 it attracted Jewish bankers, brokers and dealers from home and abroad, especially Europe. The number of Jewish financiers in the City continued to rise after those in commerce began to dip after 1891 but it also peaked in the 1890s, with the maximum number being reached in 1897. Even the arrival of Jewish bankers from Germany in the 1930s, because of persecution, was not sufficient to reverse the long-term decline. Given that the data probably exaggerate the longevity of careers it is safe to assume that the peak for Jews in the City was around 1890, whether in commerce or finance. Thus, in terms of numbers the Jewish influence in the City of London was already waning long before the First World War. That influence was also not confined to finance but extended into commerce as well. What then sustained the Jewish presence in the City in the twentieth century was their diversification into other activities especially corporate legal services, accountancy and property development, as numbers in these activities did not peak until the late 1960s. This partly compensated for the increasing dominance of companies in the provision of financial and commercial services. The private partnership that underpinned the personal nature of so much Jewish business in the City was increasingly challenged by the services provided by companies from the late 19th century onwards. (Gutwein, 1992. 112-4; Aris, 1970. 53; Michie and Mollan, 2012. 538-587; Michie, 2012. 13 -54)

In the absence of usable census data for the City of London, or even for the UK, as there was no question on religious affiliation until 2001, an indication of the trend in the number and occupation of those Jews in the City was derived from *The Palgrave Dictionary of Anglo-Jewish History*. This publication identified the most prominent Anglo-Jews, defined as '...anyone who was or is regarded as Jewish or regarded themselves as Jewish.(p vii). They provided details of their dates of birth and death and the careers that they followed. With that basic information it was possible to provide an annual count of the number of prominent Jews in the City and what they did there. For that purpose the assumption is made that their career began 20 years after their date of birth and ended 50 years later or on death. That assumption is modified if information is provided such as the date on which they arrived in the UK or began and ended their career. Included are those Jews located in such cities as Manchester and Liverpool or abroad but only if it was indicated that they had significant City interests. Otherwise they were excluded. The data provides an approximation of when the Jewish influence on the City of London was greatest but no reliance should be placed on precise dates for peaks and troughs. As a 50 year career span is used in the calculation the peaks are unlikely to be later but could be earlier, possibly by as much as 10 years. Figure 1

Representative of the Jews who were continuing to arrive in the City of London before 1914 was Saemy Japhet. He was already an established German banker and broker from Frankfurt when he opened a branch of his German business in London in 1896. With German unification Frankfurt was in decline as a financial centre as it faced increasing competition from Berlin. In 1900 he made London the base for his international operations which he believed greatly benefited the business that he did, as he reflected in his reminiscences, 'Now my head office was in London…business developed splendidly and we were busier than ever.' His firm became one of the leading dealers in securities between London, Continental Europe and New York, especially arbitrage, which involved the simultaneous sale and purchase of the same securities in different markets.'…we were recognised as one of the leading arbitrage and commission houses,' according to Japhet, who gave the credit to the skills of his key employee, another Jew called Lowenstein. To Japhet achieving success in the City before the First World War was all about hard work, good organisation, and establishing connections, and nothing at all about being Jewish. 'The City of London has no room for sentimentality. It only respects serious and genuine efforts and also results but it demands that everything else – organization, volume of business and proper limitation of commitments must be in harmony. Besides, all this must be covered by adequate capital.' He benefited from the patronage of Ernest Cassel but being a Jew did not save his connection with Goldman, Sachs, Jewish investment bankers in New York, when the non Jewish merchant bank, Kleinworts, offered them better access to London and Paris than Japhet was able to. (Japhet, 1931. 100-5) The stockbrokers, Helbert Wagg, also found that being of Jewish origin did not help them retain orders from Rothschild in the early 20th century. When the non-Jewish brokers, Panmure Gordon, offered Rothschilds access to the Far Eastern connection it had built up if it switched business to them and away from Helbert Wagg. As a result Helbert Wagg resigned from the Stock Exchange in 1912 and set themselves up as a merchant bank in competition with the likes of the Rothschilds. (Michie, 1999. 100-9)

The way in which the City of London was changing from the late 19th century onwards eroded the advantages that Jewish financiers possessed, as Joseph

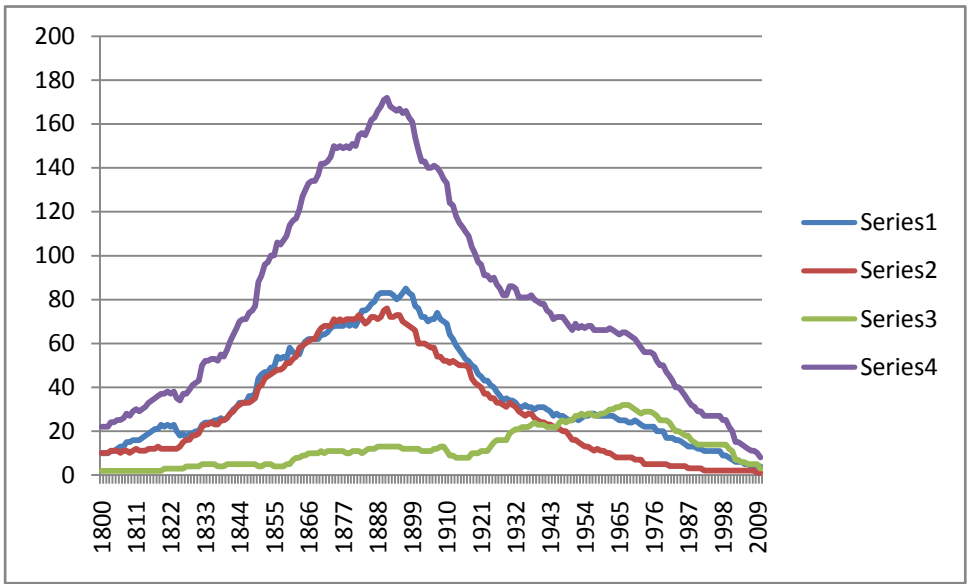

Figure 1. Graph: Number of Prominent Jews in the City of London, 1800 – 2010

Series 1: Financial. All activities associated with banking and the stock exchange. Examples are merchant banking, bill discounting and brokers dealing in securities.
Series 2: Commercial. All activities associated with trade and transport. Examples are merchants and brokers dealing in commodities including diamonds and gold.
Series 3: Other. All other activities not covered by 1 and 2. Examples are insurance, law, manufacturing and property development.
Series 4: Total
Source: W. D. Rubinstein, M. A. Jolles and H. L. Rubinstein, The Palgrave Dictionary of Anglo-Jewish History [Palgrave Macmillan, London 2011].

Jacobs was perceptive enough to detect at the time. Writing in the Jewish Encyclopaedia, which was published between 1901 and 1906, he concluded that the reason that Jews had taken an early lead in international finance in the 19th century was because they had family connections in all the major European financial centres. This was not exclusive to the Rothschilds but included the likes of the Bischoffsheims, Seligmans and Lazards. However, by the late 19th century these advantages were less important as alternative networks were developed by the large banks, aided by the worldwide revolution in communications delivered by the telegraph from 1850 onwards. Between 1860 and 1913 the number of foreign banks with London branches rose from 3 to 71 while there was also a group of British overseas banks with London head offices but branches spread around the world. These were only the most visible manifestations of the links that existed between banks in the City of London and their overseas counterparts. The most common was a correspondent connection in which a bank that had a London office acted on behalf of those that had not. By 1912 a total of 1,211 banks from around the world had a presence in London through these correspondent links. Though London's Jewish financiers did participate in these correspondent networks, the real growth was occurring in the international business being done in London by the branches of such banks as Deutsche, Societe Generale, Credit Suisse and Credito Italiano.

This forced Jewish financiers to concentrate on those areas where individual enterprise still had a role to play as in handling loans and dealing in foreign exchange and securities. Even there Jewish financiers in London faced strong competition from non-Jewish firms that were willing to operate on lower margins, take more risks, or were better connected, especially to the increasingly important financial centre of New York. In terms of trade finance Rothschilds lost out steadily to the likes of Kleinworts and Schroders, neither of which was Jewish, though both were of German origin. In the issue of corporate stocks and bonds J.S. Morgan (later Morgan

Grenfell) was a major force with its New York connection to J.P.Morgan. (Banker's Almanac, 1860/1913; Jones, 1993. 414-5; Jacobs 1901-6; Jacobs, 1919. 228-9, 235, 239, 241-2, 245; Ferguson, 1998. 589, 600, 805-10, 814, 817; Michie, 2002. 244; Cohen, 1914. 47) Even at the time that Reeves wrote his book about the Rothschilds, using the subtitle, 'The Financial Rulers of Nations,' he acknowledged that, as a financial power, they were in decline. (Reeves, 1887) By the early 20th century the privately owned investment banks, with Rothschilds at the forefront, were no match for those banks organised as public companies as they could call on the capital of thousands of investors. (Ferguson, 1998. 808; Wardley, 1991) As an anonymous contributor to Blackwood' Magazine in 1885 noted, 'Every succeeding year exhibits an increase in the proportion of the national wealth that has passed out of personal control into the control of joint-stock companies...the great industries of the country are passing rapidly out of private hands into the maelstrom of joint-stock management...one by one the merchant princes of a generation ago are either retiring from the field, or are converting themselves into companies.' (Blackwood's Magazine 137 1885. 274-6)

Though in relative decline this Jewish financial elite had become well integrated into London society by the Edwardian era. This was not just at the highest reaches, populated by the likes of the Rothschilds, but extended down into the upper middle classes, especially those with City connections. This was particularly true for the children of Jewish financiers. Through attending the same schools and universities, frequenting the same social and sporting events, holidaying in the same locations at home and abroad, and enjoying the same pleasures and outlook on life, a high degree of bonding took place extending to lifelong friendships and intermarriage. The possibility of impending war with Germany was no impediment to acceptance, even among German Jews in London, for hostility only came when that event actually took place, and especially in the aftermath of the sinking of the Lusitania in May 1915. Race, religion and nationality were no longer barriers to integration for those lay with class, wealth and occupation and Jewish financiers were recognised by their peers as playing a key role in the City. (Nicholson, 1994; Nicholson, 1999; Lentin, 2013]

The evidence indicates that Jews made an important contribution to the continuing success of the City of London as both a commercial and financial centre, from the mid 19th century until the First World War. However, that contribution was increasingly confined to niche areas, where Jews could provide financial and commercial services tailored to specific requirements and requiring the existence of personal trust networks. Elsewhere, the growing importance of corporate enterprises able to command far more capital, employ far more trained staff, and develop far more extensive international networks increasingly dominated the routine business of the City of London. These included handling international payments, the constant ebb and flow of money between countries, and the everyday transactions that moved manufactures and commodities around the world. Though Jews were to be found among those who worked for these companies they had become simply one group among many.

Rhetoric

This leads to the question of whether society as a whole recognised the specific role played by Jews in the City of London, with commercial activities being as important as financial, and their relative decline from the late 19th century onwards. One source that can provide a means of examining changing perceptions are contemporary novels as the views expressed in them are not the product of statistical analysis and careful assessment, being more a reflection of current impressions. (O'Gorman, 2007; Michie, 2009) From the novels of the earlier 19th century the role and position of Jewish financiers does appear to have been recognised. As early as 1831 Thomas Peacock, in *Crotchet Castle,* showed that the public were aware that Jews could no longer be regarded simply as money lenders but had become substantial financiers or merchants, and this was also picked up on by Mrs Gore, in *The Man of Business or Stokeshill Place* in 1837. (Peacock, 1831.127-8; Gore, 1837. 180,254). By mid century, in the years between 1840 and 1870, the public appear to have recognised that Jewish financiers had gained a position of influence within the City, based on the achievements of the Rothschilds. In his 1844 novel *Coningsby,* Disraeli introduced the Jewish financier Sidonia. Sidonia was not only rich, powerful and successful but was also respected for his intelligence and integrity. He is referred to as '…lord and master of the money- market of the world…' and this was a mantle that had descended from father to son. When Sidonia entertained it was a lavish and well attended event that '…exceeded in splendour and luxury every entertainment that had yet been given. The highest rank, even Princes of the blood, beauty, fashion, fame, all assembled in a magnificent and illuminated palace, resounding with exquisite melody.' (Disraeli, 1844. 230-242, 278, 357-8; Disraeli, 1847. 112-6, 165, 212, 254, 282) Nevertheless, some continued to regard Jews in the City as little better than '…fish-women, chickweed-boys, scavengers' carts and letter carriers…', as in the 1854 novel by Mrs Gore, *The Money Lender.* However, the same author also notes that it was Jewish financiers who were the '…real masters of the world, the money-mongers of its various exchanges'. Gore, 1854. 16- 23, 31-8, 46, 95-8,113, 134-9, 153, 162-8, 181-90, 208-9, 226-7, 242) It was this latter perspective that emerges in

Charles Lever's novel, *That Boy of Norcott's,* which appeared in 1869. Jewish financiers were credited with '…immense wealth…' and power which '…unthroned dynasties, and controlled the fate of nations with a word.' (Lever, 1869. 172, 192. 196-7, 222, 313-7)

The 1870s did appear to witness something of a reversal in the rhetoric if the novels of Trollope can be taken as representative. In the *The Way We Live Now* the reader is introduced to the banker and company promoter, Augustus Melmotte. His origins were shadowy but he was thought to be both foreign and Jewish. Melmotte was involved in promoting the South Central Pacific and Mexican Railway, which was considered to be '…built upon the sands.' Its only purpose was to allow the promoters to make money by continually buying and selling the shares. When the company failed Melmotte was exposed as a crook. '... Melmotte had committed various forgeries, ... his speculations had gone so much against him as to leave him a ruined man, and, in short, ... the great Melmotte bubble was on the very point of bursting.' Faced with the prospect of prison, Melmotte committed suicide by taking prussic acid. (Trollope, 1874-5 Vol 1. 30-4, 48-9, 84, 268-9, 349) Suicide was also the fate that awaited another Jewish financier in Trollope's 1876 novel, *The Prime Minster*. The City financier, Ferdinand Lopez, was both a '…a nasty foreigner, and probably of Jewish descent,…' and '…one of those fabulously rich fellows out of the city…' However, he turned out to be little better than a gambler, and an unsuccessful one at that. 'My business is precarious …I buy and sell on speculation….I am a good deal at present in the South American trade.' Facing bankruptcy, disgrace and prison for forgery he committed suicide by stepping in front of a train. When the truth came out he was revealed to be '…as vile a scoundrel as ever was made by the love of money.' (Trollope, 1876. Vol 1. 1-31, 117-29,155, 173-194, 222-244, Vol 2. 4-7, 31-40, 51-6, 73, 111, 194, 274-5, 320-1, 352, 379) However, Trollope's work suggests that in the 1870s the public could differentiate between those Jewish financiers like Melmotte and Lopez, who were new to the City and operated on the fringes, and those whose business was solidly based and central to the City's success, such as Ezekiel Brehgert. '... Mr Brehgert was considered to be a very good man of business, and was now regarded as being, in a commercial point of view, the leading member of the great financial firm of which he was second partner.' (Trollope, 1874-5. Vol 2. 26-7, 89- 99, 140, 294, 304-7, 319, 361) The latter were associated with the position achieved by long established Anglo-Jewish bankers, like the Rothschilds, while the attitude to the former reflected the public's attitude towards the more recent arrivals from Continental Europe, who had chosen the safety of London over the insecurity of Paris in the wake of the Franco-Prussian war and the subsequent popular uprising. This suggests that there was no major change in the way that the public viewed Jewish financiers in the 1870s, only a suspicion of the more recent arrivals.

That attitude changed from the mid 1890s onwards. Once again Jewish financiers were seen by some as no more than moneylenders, preying on the impoverished gentry, as in Mrs Aylmer Gowing's 1896 novel, *Gods of Gold* and E.F.Benson's 1898 novel, *The Money Market.* (Gowing, 1896. 20, 214, 302; Benson, 1898. 56-69,152-3, 255-7) Even those Jews who were classed as major City financiers were seen as little better than criminals, cheating innocent investors out of their money. This can be seen in Headon Hill's 1896 novel, *Guilty Gold.* The plot concerned the promotion of a South African gold mine, the Golden Kloof Mining Company. This was a completely fraudulent affair as the promoters knew there was no gold to be found on the land they had acquired. One of the culprits was Israel Levi, a City bullion dealer. Levi is referred to as '…an oily little Jew of obsequious manners and an unwholesome appearance,…' He supplied samples of gold-bearing ore that were meant to have been found on the farm. '"…I faked 'em expreshly for the Golden Kloof," bleated the cringing Hebrew.' The other Jew involved was Gus Eppstein, who was an outside broker in the City. He operated an establishment that was no more than a gambling den where the public could bet on the rise or fall of share prices as they clustered around the ticker tape machine relaying prices from the Stock Exchange. He also persuaded gullible investors to buy the shares in worthless companies, operating under the name Sydney Engledue. (Hill, 1896. 15-16, 27-33, 40 –1, 207-9, 346-7) Indicative of the fact that *Guilty Gold* was no isolated attack on Jewish financiers other novels appeared in the 1890s expressing much the same views. One was Francis Gribble's *The Lower Life,* which also appeared in 1896. This featured Benjamin Cohen, a '…self-made man whose sudden fame had sprung up like a mushroom in the City of London, who touched no enterprise that he did not profit from, and whose marvellous Asbestos Companies were the financial topic of the hour.' In contrast others saw him as an '…ignorant, unmannerly vulgarian, who doubtless knew no better use for gold than to squander it on racehorses, and loose women, and champagne, and vainglorious display…' (Gribble, 1896. 1-10, 14- 21, 25-31,61, 131-3,149,152, 176, 190-1, 238. 278-94, 303-11) Jews like Cohen were believed to be able to thrive in the City as they lacked the moral code that restrained others, as suggested in the 1899 novel by Frederic, *The Market-Place*. 'They get hold of most of the things that are going, because they're eternally on the move. It's their hellish industry and activity that gives them such a pull, and makes most people afraid of them.' (Frederic, 1899, 6-11, 20-27, 36, 44-9, 81-2, 157, 181-7, 197- 205, 214-9, 236- 240, 282-5, 293-6, 306-12, 358-9).

From 1900 until the First World War the crooked

Jewish financier was regularly featured in popular novels. In the 1904 novel by Thorne and Custance, *Sharks,* Professor Pentique was an American '…of continental Jewish extraction, plump and with an intelligent, hairless face' whose inventions formed the basis of fraudulent companies promoted in London. This scheme was to raise Atlantis from the seabed. (Thorne, 1904 2-15, 20-3,30-3,50-5,144-5, 156-7,180-9,226-235, 278-9,298-9,340-5) A joint stock company with an equally far-fetched scheme featured in the novel, *The Yellow God*, by H. Rider Haggard, which appeared in 1909. The intention was to create an inland sea by flooding the Sahara desert. Again, Jewish City financiers were prominent. 'To describe them is unnecessary, for they have no part in our story, being only financiers of a certain class, remarkable for the riches they had acquired by means that for the most part would not bear examination.' (Haggard, 1909. 1- 22, 33-4, 40- 52, 86-9, 116.53) Jews were regularly portrayed as having a natural aptitude to financial work of all kinds and at all levels. From that perspective it was an easy step to attribute to them all that was considered reprehensible about the City of London, as Oppenheim did in a series of novels. In *Havoc,* the stockbroker Alfred Morrison, was described as '…a Jew to his finger-tips, notwithstanding his altered name,… glossy and immaculately dressed, with a flower in his buttonhole, boots that were a trifle too shiny, hat and coat, gloves and manner, all imitation but all very near the real thing.' He had lost £40,000 speculating and then left his partner to face the consequences.' In *A Millionaire of Yesterday* Hiram da Souza, a Jewish company promoter, would stop at nothing to achieve success, including lies, blackmail and deception. (Oppenheim, 1904. 8, 26-7, 56, 63-4, 72, 94, 110, 139; Oppenheim, 1912 a. 62- 74, 98-9, 105, 116-8, 236, 289-90, 314-5, 320-330, 342-5; Oppenheim, 1912b. 60-72, 90-1, 102, 114-5,121-3, 134,146, 170-2, 261-4, 273-8, 296-302, 314)

In 1912 Grace Pettman's novel, *A Study in Gold,* featured the Jewish financier Caleb Otto-Smith who was '…the most successful company promoter and financier of the day.' With his wealth he had bought a country estate and built a large mansion, called Castle Royal. Despite his wealth Otto-Smith remained ostracised from English landed society, because he was foreign and Jewish and had made his money as in the City. He stood apart from the '…the rich Jewish community which is such a power in the financial circles in England,' because on his arrival in Britain as a refugee from Russia he had ceased to be a practising Jew and had anglicized his name. This did not mean that Otto-Smith was shunned by society as a whole. 'Caleb Otto-Smith was a man flattered and fawned on by many, because of his gold, and the financial power behind his name in City circles.' This included the possibility of marriage to any of the available daughters of impoverished aristocrats. 'Men of his type who had accumulated wealth usually sought in marriage a girl of rank, who had the entrée of the very highest society, and was willing to exchange the prestige of her title and ancestry for a share of the millionaire's gold.' Among the possibilities was Lady Beatrix Urbeville, whose father, the Marquess of Limehouse, was close to bankruptcy. 'Most of these girls had been trained by ambitious mothers to believe that the chief end of their lives was to make a brilliant match; possibly not one among them would have refused to bestow her aristocratic hand upon the grey-haired unprepossessing financier who had come to England as an alien, a young Polish Jew, a well-nigh penniless exile,' As it was his schemes finally ended in failure, impoverishing the investors who had bought shares. 'The bubble had burst. The companies floated by Otto-Smith were hopelessly bankrupt; his affairs had been placed in the hands of the official receiver, and a warrant was out for the great financier's arrest for conspiracy and fraud.' Otto-Smith fled but was apprehended aboard an American liner bound for New York, through the use of wireless-telegraphy. He was extradited to Britain, made to stand trial and then sent to prison. (Pettman, 1912. 101-4,115-7, 121-8, 130-7, 146-150, 157 165, 171, 201-205-8, 219-227, 276- 286, 294)

By this time Jewish financiers were not only regarded as crooks but also seen as wielding immense power, as in Joseph Hocking's *God and Mammon*, also dating from 1912. 'You may be right about Jews; there are doubtless many straight, honourable men among them; but there's nothing under heaven worse than the shady members of the Semite race.' (Hocking, 1912. 212-19, 232-3, 245, 257, 263-268, 275) A similar verdict emerges from Gilbert Parker's 1913 novel, *The Judgement House*. The financier, Wallstein, was vilified by the press as '…the Jew Mining magnate, who didn't care a damn what happened to England so long as his own nest was well lined….He was spoken of as a cruel, tyrannical, greedy German Jew, whose soul was in his own pocket and his hand in the pockets of the world.' This was despite the fact that '…he was none of these things, save he was of German birth.' (Parker, 1913. 39-43, 52, 66, 86, 117, 259-69, 310-11 , 470-2) Among novelists of this era it was Hilaire Belloc who was most consistent in identifying the influence of the Jewish financier in the City of London. Over the course of four novels written between 1904 and 1910 he introduced the reader to the Jewish financier, I. Z. Barnett, whose father had been a banker in Frankfurt. Through a series of financial deals, each bordering on the fraudulent, Barnett became a wealthy man and an accepted member of society. He became Lord Lambeth and then the Duke of Battersea with a house in London and an estate in Scotland. Nevertheless, he remained an alien as he'…did not understand blood which was not his own, nor what sympathies might arise between men of one race and

one society.' (Belloc, 1904. 54-76, 82-91,104, 111-122,158,170-1,196-7,206- 212,223; Belloc, 1908. 1-3, 11-24, 31-46, 52 – 62, 87-8, 120, 152, 180-1, 193-8, 216-220, 272-6; Belloc, 1909. 33, 89, 232-3; Belloc, 1910 3, 13-14, 33, 41-3, 71-80, 88, 94, 102-3, 178-9, 237, 305) Though shorn of the hostility evident in Belloc's novel, *The Turnstile*, by A.E.W.Mason, which was published in 1912, also describes the wealthy and respected Jewish financier, Isaac Benoliel, as belonging to a race apart. '...though Mr. Benoliel talks with you and walks with you, he doesn't think with you. Behind those old tired eyes of his, he thinks as the East thinks.' (Mason, 1912. 68-9, 82-4, 180-1, 195-7). Casual anti-Semitism was ever present in the literature of the previous century but the labelling of Jewish financiers as crooked, manipulative and alien in a series of popular novels published between the mid 1890s and the First World War suggests there had been a cultural shift in the public's attitude.

Explanation

Why this change took place has never been satisfactorily explained as it lacks obvious role models among the prominent Jewish financiers of this era. There were Jewish financiers whose business practices were widely regarded as fraudulent and they did incur the wrath of those investors who lost money in their schemes, giving rise to public condemnation. The most prominent was Albert Grant (Abraham Gotheimer) but he was active in the 1860s and 1870s. It was not until the 1890s that another prominent Jewish financier with a dubious reputation appeared, namely Barney Barnato. He was one among a number of Jewish financiers who were involved in the gold mining boom of the mid 1890s. In 1894 he set up the Barnato Bank, Mining and Estates Company which collapsed in 1896, after which he committed suicide by jumping overboard while on his way from South Africa to England. However, many of the mining companies promoted during this speculative boom turned out to be successful, rising in value and paying large dividends, including those of Barney Barnato. This would have dampened any antagonism towards Jewish financiers in subsequent years. Instead, the most notorious financiers of this era were two English non-conformists, notably Jabez Balfour and Whitaker Wright. Both fled abroad to escape punishment but were then brought back to face trial, and each was convicted of their crimes. Balfour served a long prison sentence and Wright committed suicide. Compared to these the media accusations of Jewish financiers for market manipulation in the Marconi Scandal of 1910 appear to be more of an attempt to jump on an existing bandwagon than driven by obvious wrongdoing. The same was the case with the supposed plot by Jewish financiers in 1912 to manipulate the silver market. (Pollins, 1982. 112, 168-9; Mckie, 2004.15-19, 220, 256-8; Mouat, 2009.129-134, 141-4; Holmes, 1979. 65-6, 77-82, 108-9, 117;.Baker, 1970. 17: Camplin, 1978. 46-9, 55, 156.ODNB: Jabez Balfour, Barney Barnato, Rufus Isaacs, Samuel Montagu, Felix Schuster, Whitaker Wright; Robb, 1992; Sunderland 2013; Taylor, 2013)

Similarly weak is any explanation linked to envy though those Jews who were successful in the City were spectacularly so. According to Rubinstein's calculations between 1858 and 1939 43 Jews died millionaires and another 48 half millionaires. Of these Jewish millionaires/half millionaires the majority had made their fortunes in the City, with 46 being bankers, 6 stockbrokers and 15 merchants, trading in such commodities as diamonds, petroleum, timber, textiles and tobacco. (Rubinstein, 1971. 76-83) Though these were a small minority of the very wealthy in Britain there is always a tendency to exaggerate their significance, as Jacobs, observed in 1891. 'It is to the twenty millionaires or so who have "made their heap" on 'change that the general impression of Jewish riches is due.' (Jacobs, 1891.31) The public were increasingly aware of wealth inequalities in late Victorian and Edwardian Britain. The statistical work by Mulhall revealed in 1896 that 'Nearly 80% of the total wealth is held by 1.5% of the adult population' and that 'Fortunes over £5,000 are multiplying much faster than those under £5,000, which is the reverse of what is desirable, and this congestion seems to increase in intensity the higher we go.' (Mulhall, 1896. 100) Even more influential in making the public aware of the distribution of wealth was the work of L.G. Chiozza Money. In his very popular book, *Riches and Poverty*, he calculated that 'It is probably true that a group of about 120,000 people, who with their families form about one-seventieth part of the population , owns about two-thirds of the entire accumulated wealth of the United Kingdom' (Chiozza Money, 1914. 79, 333). However, the problem with an explanation based on envy was that it could be applied throughout the 19th century. In terms of Jewish financiers it was most applicable to the Rothschilds, who were more associated with the mid 19th century rather than the 20 years before the First World War.

Another explanation that appears to fit the mid rather than the late 19th century is one related to the belief that a small group of financiers was able to dictate government policy leading Britain into wars that were against the national interest. Nevertheless, the stereotype of the wealthy Jewish banker manipulating politicians was a view popularised by Hobson who, writing in 1902, attributed the forces behind imperialism to the machinations of a small group of cosmopolitan Jewish bankers. 'These great businesses – banking, broking, bill discounting, loan floating, company promoting – form the central ganglion of international capitalism. United by the strongest bonds of organisation, always in closest and quickest touch with one another, situated in the very

heart of the business capital of every state, controlled, so far as Europe is concerned, chiefly by men of a single and peculiar race, they are in a unique position to manipulate the policy of nations.' (Hobson, 1902/1938. 46-61; Cain, 1993) Growing Anglo-German military tension in the years before the First World War did create some antagonism towards German Jewish financiers in the City but it was not until the outbreak of hostilities that this became significant. Generally, as so much of the business done by Jewish bankers, brokers and merchants in the City was on behalf of German customers, self-interest dictated public support for policies favouring peace not war. (French, 1992. 68-94; Kennedy, 1989. 94-6; Lentin, 2013. 27-8; Kurgan-van Hentenryk, 1998 5-14; Thane, 1998. 8; Endelman, 2002. 153-6; Aris, 1970. 51)

In the absence of explanations directly related to the activities and behaviour of Jewish financiers in the City in the 20 years before 1914 two other possibilities exist. The first is a product of the changing nature of the Jewish population in London. The overall composition of the Jewish community in London changed dramatically in the 35 years before the First World War. With the persecution of Jews in the Russian Empire from 1881 onwards there was a mass exodus. Around 120,000 Jewish migrants arrived in England between then and the First World War, half of whom settled in the East End of London. The number of residents in London who had been born in East/Central Europe rose from 5,294 in 1871 to 71,082 in 1911. Such were their numbers, and their alien language and dress, that they were seen as a threat to British society in a way that the small number of long-settled Jews had not been. This was especially true in London were so many of them lived. There were public demands to reduce the flow leading to the 1905 Aliens Act, which restricted immigration. By then a number of anti-Semitic stereotypes had been revived and gained popularity, including that of the Jewish financier. In reality very few of these recent Jewish arrivals from the Russian Empire possessed the skills, language and connection that would give them entry into the City of London, unlike their predecessors. They came from peasant communities in Poland and European Russia and had little knowledge and expertise in finance of any kind, let alone international banking and broking. Most found employment in London's clothing and related trades. (Russell, 1900. 12; Gartner, 1960. 99; Garrard, 1971. 213; Feldman, 1989. 46, 62, 76; Alderman, 2008. 230-237; Lipman, 1986. xii-xix; Godley, 2001. 20, 30, 54, 60). The almost negligible contribution they made to the City can be gauged from membership of the London Stock Exchange in 1914. In that year a total of 218 members and 31 clerks were foreign born. Of the members 153 were German and a further 20 were from Austria, 18 from the Netherlands and 7 from Switzerland, and that group comprised 90% of the total. Among clerks a similar picture emerges with 27, or 88 per cent being from these four countries. In contrast, only one member and one clerk had been born in Russia. (Michie, 1989. 144)

The second explanation lies even further from the City of London, being located in Wall Street. Among novelists there was a well established two-way transatlantic traffic in terms of ideas and plots and even locations. Increasingly in the late 19th century British writers looked to Wall Street for inspiration for novels, because of the excitement generated by the more frequent speculative booms, bursts, and banking collapses found there. As the City's dominant figures of the 19th century faded away, such as the Rothschilds and Barings, they were replaced by characters drawn from Wall Street such as Cornelius Vanderbilt, Daniel Drew, Jim Fisk and Jay Gould. These Wall Street figures became '...a cultural stereotype of the freebooting financier ...imperious, self-made, ruthlessly ambitious, and full of masculine audacity...outside the law, outside established institutions, outside the conventions of normal social behaviour' (Fraser, 2005 pp183-198). In searching for examples of gentlemanly capitalism, involving the fusion of those whose wealth was the recent product of financial speculation with those dating from past generations, the American banker, J.P.Morgan, appears a far more obvious candidate than anyone from the City of London. As it was he straddled both worlds through his partnership in an investment bank in Wall Street and a merchant bank in the City. In the same way it was Wall Street rather than the City that provided the model for a Jewish financial conspiracy. Of the 2.5 million Jews who left Eastern Europe between 1880 and 1914 only 150,000 came to the UK compared to the 2 million who went to the USA, especially New York. (Godley, 2001. 20, 30, 54, 60) There were also a number of prominent German Jewish bankers operating in Wall Street in the late 19th and early 20th centuries, who had arrived only recently from Germany. They were believed to be able to exercise enormous power. Unlike in the City where the power of private bankers was circumscribed by the Bank of England, exclusion from the London Stock Exchange, and competition from the joint stock banks, no such restrictions existed in Wall Street. The New York Stock Exchange admitted private bankers to membership while excluding joint stock banks. The laws restricting nationwide branch banking prevented the growth of large national banks on the scale to be found in Britain, creating a vacuum that was filled by private banks. There was also no equivalent to the Bank of England in the USA until the establishment of the Federal Reserve Bank in 1913. (Fraser, 2005. 44, 56-9, 69, 73, 94, 101-110,129, 141-3, 157, 172-5, 183-198, 203-6, 213- 232, 261-271, 286, 302-3, 316, 338; Geisst, 2012. 118-126, 131; Josephson, 1934. 404-5; Cochran, 1972. 155-7, 231; Myers, 1909/1936 574-5) At the beginning of the 19th century Lord Byron could personalise the power of international finance by reference to the London

merchant bankers, Rothschilds and Barings. In his immortal words, 'Who hold the balance of the World?...Jew Rothschild, and his fellow-Christian, Baring.' (Lord Byron, Don Juan, 1818/23). By the end of that century anyone searching for an equivalent figure would look no further than the New York investment banker, J. P. Morgan.

In searching for an explanation of why there was such a divergence between the reality and rhetoric surrounding Jewish financiers in the City of London before the First World War the evidence points towards a verdict of guilty by association. As Jews these City financiers were associated in the public mind with the influx of immigrants from Eastern and Central Europe that were seen as a threat to British society at the beginning of the 20th century. The fact that religion was the only connection appeared not to register among the public at large, giving free reign to those novelists who looked for a convenient stereotype as a villain in the shape of a Jewish immigrant. As financiers these City Jews were also associated in the public mind with what was happening in the rival financial centre of New York which appeared to be inhabited by far more colourful characters engaged in far grander schemes. As in Belloc's novels the Jewish financier of European origin, modelled upon Rothschild, was threatened and then usurped by the American financier modelled on Morgan. (Belloc, 1904; Belloc, 1908; Belloc, 1909; Belloc, 1910) As a financial centre Wall Street lent itself far more to the imagination of the novelists compared to the City by the late 19th century, and it was an easy matter to transpose the characters and events of the former to the location of the latter. Unfortunately for those who were Jewish financiers in the City of London this meant that, in terms of popular culture, they were exposed to attack for being both a Jew and a financier. What can only be conjectured at is the influence this cultural profiling had upon writers such as Hobson, who cast them in a central role as propagators of imperialism.

CONCLUSION

Recently Niall Ferguson, the author of studies of both the Rothschilds and Siegmund Warburg, posed the question, 'Why was it that bankers of Jewish origin played such a leading role in British financial history.' (Ferguson, 2010].xiv, 41-50, 56, 87-9;120, 124, 129,134,210-19, 387) One reason was not the absence of hostility within British culture compared to the position in other countries at a the time when the City of London was the pre-eminent financial centre in the world. That hostility was still evident within the banking community after the Second World War. Despite that hostility Jewish financiers established themselves in the City and the City banker, Peter Stormonth Darling reveals why. 'There was another reason to stay with Warburgs, if the full truth was be told. I believed I would make more money in the business environment created by a team of brilliant Jewish financiers, who had already shown their competitive edge over the more conventional and longer-established City firms.' (Stormonth Darling, 1999. 73) However, in addition to this acceptance of Jewish financiers within the City of London itself, the answer to that question posed by Ferguson lay in the balance between the attractions of the City of London and those of alternative financial centres. Jews came to the City from abroad because it provided them with the business connections and opportunities that they needed. Once in the City Jewish financiers rose to prominence because they were able to capitalise upon either their international connections or through providing a customised service. Both these underpinned Rothschilds in the mid 19th century and Warburgs in the 1950s and 1960s. However, as the mechanism of international payments became internalised within the correspondent system that linked banks globally, and the issue of bonds became an increasingly routine matter and the centre of gravity switched from Europe to the Americas, Jewish bankers like the Rothschilds lost out. Nevertheless, prior to 1914 others arrived to take their place because of the continuing attractions of London as a base from which to conduct an international business. Warburg after 1945 was able to tap into much the same opportunities by identifying niche areas neglected by the major banks because of the government controls. However, as these potential opportunities were picked up by others, especially the Wall Street investment banks and the European universal banks, they came to dominate because they possessed the scale and connections required. Whereas the reign of the Rothschilds was 50 years or more in the mid 19th century, and they were supplemented by continuous flows of new Jewish financiers, that of Warburg was 20 years at most and few new Jewish financiers entered the business. Instead, the Jews found other areas to develop such as in the field of property development or simply entered the ranks of those employed by the banks and other companies that now dominated the financial services industry globally.

The more general conclusion that can be drawn is that the perception of Jewish power and influence in the City was completely out of proportion with the reality. Jews were always a tiny minority in the City and clustered in niche areas. Their influence was also in decline by the late 19th century onwards as international financial transactions increasingly flowed through market networks and global banks. This did not mean Jews were not still important in the City. They brought expertise and connections. Without them London would have been a less successful financial centre especially in the conduct of international business. It is important not to over-emphasise the power and influence of Jewish financiers

in the City and see them as some kind of international conspiracy. Conversely, they should not be written out of the history of the City as their contribution was greater than their actual numbers would suggest.

More specifically, the negative imagery posed by Jewish financiers in the City, which intensified rather than diminished prior to the First World War, can be attributed to developments outside their control. The mass immigration of Jews had implications for those from the same racial or religious background, who had been long settled and become assimilated into society. It created antagonism that spread all the way to the wealthiest even though they commanded the respect of their peer group and were close personal friends of the most powerful in the land. The arrival of a mass of foreign Jews was perceived as a threat to British society and this fear led to Jewish financiers being targeted even though they were engaged in a business that was vital for the continuing success of the City of London as an international financial centre. This antagonism built upon the long-standing suspicion of Jews as money lenders and usurers in a Christian community. Of equal importance, however, was the inspiration that novelists drew from developments in Wall Street, which were then given a City setting. There was a transatlantic literary culture through a shared language and heritage that cross fertilised novelists on each side of the Atlantic through regular visits and reading each other's work. In that way activities and events in the City and Wall Street became mixed in the public mind even though conditions were radically different. The City of London was an international financial centre served by a functioning central bank and a stable banking system. In contrast, Wall Street was a domestic financial centre that lacked a central bank and was prone to banking crisis. The former generated little of the excitement and personality beloved of novelists. In contrast, the latter provided ample material to whet the public appetite. In turn, the output of these novelists help support an anti-Semitic rhetoric in Britain that encompassed Jewish financiers but had no basis in reality but was in keeping with fears created by the mass immigration of Jews from Eastern and central Europe.

REFERENCES

Alderman, G (1998). Modern British Jewry. London

Alderman, G (2008). Controversy and Crisis: Studies in the History of Jews in Modern
Britain. Boston

Aris, S (1970). The Jews in Business. London

Baker, W J (1970). A History of the Marconi Company. London Bankers' Almanac, (1890 and 1913), London.

Belloc, H (1904). Emmanuel Burden, Merchant, of Thames St., in the City of London, Exporter of Hardware: A record of his lineage, speculations, last days, last days and death. London

Belloc, H (1908). Mr Clutterbuck's Election London

Belloc, H (1909). A Change in the Cabinet. London

Belloc, H (1910). Pongo and the Bull. London

Benson, E F (1898). The Money Market. London

Blackwood's Magazine, 1885. 137 Edinburgh

Brett, RD (1945), Usury in Britain. London

Brook, S (1989), The Club: The Jews of Modern Britain. London

Byron, Lord, (1818/23), Don Juan, London

Cain PJ, Hopkins AG (1993), British Imperialism. London

Camplin, J (1978). The Rise of the Plutocrats: Wealth and Power in Edwardian England. London

Cassis, Y (2006). Capitals of Capital: A History of International Financial Centres, 1780-2005. CUP, Cambridge

Chapman, SD (1988). *The Establishment of the Rothschilds as Bankers*, Transactions of the Jewish Historical Society 29

Chiozza Money, LG (1914), Riches and Poverty. London 11th edition

Cochran, T C (1972), Business in American Life: A history. New York

Cohen, 1(1914), *The Economic Activities of Modern Jewry*, Economic Journal 24

Cottrell, PL (1985), *The Business Man and Financier* in Lipman S and Lipman, VD, The
Century of Moses Montefiore. Oxford

Disraeli, B (1844). Coningsby. London

Disraeli, B (1847). Tancred or The New Crusade. London

Endelman, TM (2002). The Jews in Britain, 1656 to 2000. UCP, Los Angeles

Evans, DM (1852). The City; or the Physiology of London Business. London

Feldman, D (1989), *The Importance of being English: Jewish immigration and the decay of liberal England* in Feldman D and Stedman Jones, G (eds), Metropolis London: Histories and representations since 1800. London

Ferguson, N (1998). The World's Banker: The History of the House of Rothschild. London

Ferguson, N (2010). High financier: The lives and Time of Siegmund Warburg. London

Financial Times, (27-30 March 2006). The New City. London

Fraser, S (2005), Everyman a Speculator: A history of Wall Street in American Life Harper Collins, New York

Frederic, F (1899). The Market-Place. London

French D (1992) British Economic and Strategic Planning, 1905 — 1915. London

Garrard, J A (1971). The English and Immigration, 1880 — 1910. Oxford

Gartner, L P (1960). *Notes on the Statistics of Jewish immigration to England 1870 — 1914.* Jewish Social Studies 22

Geisst, C R (2012). Wall Street: A History. OUP, New York
Godley, A (2001). Jewish Immigrant Entrepreneurship in New York and London, 1880 — 1914: Enterprise and Culture. Palgrave, Basingstoke 2001
Gore, Mrs (1837). The Man of Business or Stokeshill Place. London
Gore, Mrs (1854). The Money Lender. London
Gowing, A (1896). Gods of Gold. London
Gribble, F (1896). The Lower Life. London
Gutwein, D (1992). The Divided Elite: Economics, Politics and Anglo-Jewry, 1882 — 1917. Leiden
Gutwein, D (1994). *Jewish Financiers and Industry, 1890 - 1914: England and Germany*, Jewish History vol. 8
Haggard, H R (1909). The Yellow God: An Idol of Africa. London
van Hentenryk, G K (1998). *Jewish Private Banks*. European Association for Banking History. London
Hill, H (1896). Guilty Gold: A romance of financial fraud and City crime. London
Hobson, JA (1902/1938). Imperialism: A Study. London
Hocking, J (1912). God and Mammon. London
Holmes,C (1979). Anti-Semitism in British Society, 1876 — 1939. New York
Hyamson, A M and Silberman A M (eds) (1938). Valentines Jewish Encyclopaedia. London
Jacobs, J (1891). Studies in Jewish Statistics: Social, Vital and Anthropometric. London
Jacobs, J (1896). Jewish Ideals and Other Essays. London
Jacobs, J (1901-6). *The Stock Exchange*, Jewish Encyclopaedia. London
Jacobs, J (1919). Jewish Contributions to Civilization: an Estimate. Philadelphia
Japhet, 5 (1931). Recollections from my Business Life. London
Jones, G (1993). British Multinational Banking, 1830 — 1990. Oxford
Josephson M (1934). The Robber Barons: The Great American Capitalists, 1861 — 1901 New York
Kennedy P (1989). Strategy and Diplomacy, 1870 — 1945. London
Kessler D (1996). The Rothschilds and Disraeli in Buckinghamshire. Waddesdon Manor
Lentin, A (2013), Banker, Traitor, Scapegoat, Spy?: The troublesome case of Sir Edgar Speyer. Hans Publishing, London
Lever, C (1869), That Boy of Norcott's. London
Lipman, VD (1954), Social History of the Jews in England, 1850 — 1950. London
Lipman, VD (1986), *The Victorian Jewish Background* in Cowen, A and Cowen, R (eds), Victorian Jews through British Eyes. Oxford
Mason, AEW (1912), The Turnstile. London
Mckie, D (2004), Jabez: The Rise and Fall of a Victorian Rogue. London
Michie, RC (1992), The City of London: Continuity and Change since 1850. London
Michie, RC (1999), The London Stock Exchange: A History. OUP Oxford
Michie, RC (2002), *One World or Many Worlds?: Markets, banks, and communications,1850s — 1990s* in de Graaf, T, Jonker, J and Mabron JJ (eds.) European Banking Overseas,19th — 20th centuries. Amsterdam
Michie, RC (2005), *A Financial Phoenix: The City of London in the Twentieth Century* in Cassis, Y and Bussierre, E (eds.), London and Paris as International Financial Centres. OUP, Oxford
Michie, RC (2006a), *The City of London as a European Financial Centre in the Twentieth Century* in Europaische Finanzplatze im Wettbewerb [Bankhistorisches Archiv-Beiheft 45, Stuttgart
Michie, RC (2006b), The Global Securities Market: A History. OUP, Oxford
Michie, RC (2007), *The City of London as a Global Financial Centre, 1880 — 1939: Finance, Foreign Exchange and the First World War* in Cottrell, PL, Lange, E and Olsson U, (eds.),Centres and Peripheries in Banking: The Historical Development of Financial Markets. Aldershot
Michie, RC (2009), Guilty Money: The City of London in Victorian and Edwardian Culture. Pickering and Chatto, London
Michie,RC (2012), *The City of London and International Banking in the 19th and 20th Centuries: The Asian Dimension* in Nishimura, S, Suzuki, T and Michie, RC (eds), The Origins of International Banking in Asia: The nineteenth and twentieth centuries. OUP Oxford
Michie, RC and Mollan, S (2012), *The City of London as an international commercial and financial centre in the Twentieth Century*, Enterprise and Society volume 13 no.2 538-587
Mouat, J (2009), Whitaker Wright, Speculative Finance, and the London Mining Boom of the 1890s in Dumett, R E (ed), Mining Tycoons in the Age of Empire, 1870 — 1945: Entrepreneurship, high finance, politics and territorial expansion. Farnham
Mulhall, M G (1896), Industries and Wealth of Nations. London
Myers, G (1909/1936), History of the Great American Fortunes. New York
Nicholson, S (1994), A Victorian Household. Stroud
Nicholson, S (1999), An Edwardian Bachelor. London.
Norton, G (1828/1869), Commentaries on the History, Constitution and Chartered Franchises of the City of London. London
O'Gorman, F (2007), Victorian Literature and Finance. Oxford
Oppenheim, E P (1904), Anna, The Adventuress. London
Oppenheim, E P (1912a), Havoc. London
Oppenheim, E P (1912b), A Millionaire of Yesterday.

London
Oxford Dictionary of National Biography (ODNB)
Parker, G (1913), The Judgement House. London
Parkes, J (1955), *The History of the Anglo-Jewish Community* in Freedman, M (ed), A Minority in Britain: Social Studies of the Anglo-Jewish Community. London
Peacock, TL (1831), Crotchet Castle, London
Pettman, G (1912), A Study in Gold. London
Pollins, H (1982), Economic History of the Jews in England. London
Rabinowicz, OK, (1974), Sir Solomon de Medina. London
Reeves, J (1887), The Rothschilds: The Financial Rulers of Nations. London
Robb, G (1992), White-Collar Crime in Modern England: Financial Fraud and Business Morality, 1845—1929. Cambridge
Rosenberg E (1961). From Shylock to Svengali: Jewish stereotypes in English fiction. London
Roth C (1938). The Jewish Contribution to Civilization. London
Rubinstein W (1971). *Jews among top British Wealth Holders, 1857— 1969: Decline of the Golden Age*.
Jewish Social Studies 33
Rubinstein WD (1993). Capitalism, Culture and Decline in Britain, 1750 — 1990. London
Rubinstein WD, Jolles MA, Rubinstein HL (2011). The Palgrave Dictionary of Anglo-Jewish History. Palgrave Macmillan, London
Russell C, Lewis HS (1900). The Jew in London: A study of Racial Character and Present-day Conditions. London
Stormonth Darling P (1999). City Cinderalla: The Life and Times of Mercury asset Management. London
Sunderland D (2013). Financing the Raj: The City of London and Colonial India, 1858 – 1940. Woodbridge
Thane P (1986). Financiers and the British State: The case of Sir Ernest Cassel Business History 28
Taylor J (2013). Boardroom Scandal: The criminalization of company fraud in nineteenth-century Britain. OUP Oxford
Thane P (1998). *Private Bankers and Philanthropy: The City of London, 1880s—1920s.* European Association for Banking History. London
Thorne G, Custance L (1904). Sharks: A fantastic novel for business men and their families. London
Trollope A (1874-5). The Way We Live Now. London
Trollope A (1876). The Prime Minister. London
Withers H (1916). International Finance. London

Between Usury and the "Spirit of Commerce"

Images of Jews and Credit from Montesquieu to the Debate on Emancipation in Eighteenth-Century France

FRANCESCA TRIVELLATO

ABSTRACT By bringing French history and Jewish history into dialogue, this article intervenes in the vast scholarship on the relationship between commerce and toleration in eighteenth-century French thought. It focuses on the place of Jews in Montesquieu's ideas about *doux commerce* and explores the legacy of Montesquieu's views on the debate on Jewish emancipation in the 1770s and 1780s. It traces the survival and adaptation of the medieval trope of the Jewish usurer in a variety of discourses, ranging from irenic images of commercial cosmopolitanism to representations of Jewish moneylending marshaled by radical advocates of Jewish "regeneration." The article concludes by showing that in 1790–91 the doctrine of *doux commerce* did not provide a consistent argument in favor of civic and political equality even though commercial practices and policies in the French Southwest had favored the integration of Jews during the Old Regime.

KEYWORDS Jews, commerce, usury, Enlightenment, French Revolution

Two books of Montesquieu's *Spirit of the Laws* (*De l'esprit des lois*) are devoted to commerce and one to money. Additional reflections on how the economy intersects with politics, society, and culture pepper the entire work. Book XXI describes the history of commerce from antiquity to the eighteenth-century present. A climactic turning point figures in chapter 20, which bears the dramatic title "How Commerce Broke through the Barbarism of Europe" ("Comment le commerce se fit hour en Europe à travers la barbarie") and traces the waning of medieval anti-usury sentiments and the rise of "the spirit of commerce" (*l'esprit de commerce*). Around the time of the European transoceanic voyages, commerce ceased to be "the profession only of mean persons," and thus the exclusive province of "a nation covered with infamy" (by which

French Historical Studies • Vol. 39, No. 4 (October 2016) • DOI 10.1215/00161071-3602220
Copyright 2016 by Society for French Historical Studies

Published by Duke University Press

Montesquieu means the Jews), and "re-entered . . . the bosom of probity."[1] Jews were the frontrunners in this transformation of commerce from a despised occupation associated with usury and moneylending to a dignified and socially beneficial activity. They spearheaded a veritable political and cultural revolution through which commerce, for the first time, "became capable of eluding violence" (XXI, 20).

How were Jews ostensibly able to engineer such a monumental transformation and bequeath to Europe a modern, safe, and secular commercial society? Montesquieu offers a deceptively simple answer: "The Jews invented letters of exchange" (XXI, 20). These letters, better known as bills of exchange, allowed merchants to move funds without transporting bullion or coin and thus prevented rulers from confiscating their assets arbitrarily. Montesquieu's almost casual reference to the alleged Jewish invention of bills of exchange deserves more attention than it has received thus far. How did the philosophe come to harbor such a belief? What does his tribute to Jews' economic ingenuity tell us about the place of commerce and the place of Jews in the French Enlightenment? And what mark did Montesquieu's dictum leave on the raging controversies that preceded the granting, in 1790–91, for the first time in the history of Europe and in spite of considerable political and popular opposition, of equal civic and political rights to Jewish men across France?

As I answer these questions, I also seek to make two broader and interlocking contributions. First, I weave together textual analysis with the social history of ideas to examine Christian representations of Jewish economic roles and thus assess how they reflect both the weight of discursive traditions and the changing material conditions in which different Jewish communities lived in the French kingdom during the eighteenth century.[2] Second, I highlight the mutual benefit of bringing scholarly debates in Jewish history and in French history to bear on one another. In what follows, historians of the French Enlightenment will find that depictions of Jewish economic roles test the inclusivity of the Enlightenment trope of commerce as sociability. The eighteenth-century French authors for whom commerce was a surrogate for forms of sociability that, though compatible with absolutism, cut across geographic boundaries or legally sanctioned social ranks might have depicted Jews as engines of far-flung commercial webs,

1. Montesquieu, *Spirit of the Laws* (1949), 1:364–66; Montesquieu, *De l'esprit des lois*, 2:56–57. Except in nn. 22 and 43, all citations from *The Spirit of the Laws* come from these two editions and are indicated solely by book and chapter number. Throughout the essay, wherever no English edition of a French text is indicated in the note, the translation is mine.

2. I say "Christian discourses," even if influential protagonists of the debates I will review, including Montesquieu, Voltaire, and Dohm, were neither believers nor practicing Christians, because most of their ideas about Jews and Jewish economic roles stemmed from a well-established Christian repertoire.

Published by Duke University Press

but they did not discuss whether Jews actually belonged to those voluntary, interest-based associations that fostered new bonds between strangers.[3] For historians of Jewish emancipation, my account suggests that they often place too much faith in the centrality of the practices and ideals of Sephardi commerce in the acquisition of active political rights for Jews. A new point of departure might be for us to forge stronger ties between studies of Jews' economic roles and the postrevisionist historiography on the Revolution, which is once again investigating the economic transformation of French politics and society but has appropriately relinquished the single-mindedness of earlier Marxist scholarship.[4]

A few more words are in order to clarify the premises and purposes of this article. To start, I ought to dispel any doubts: neither the Jews nor any other individual or group invented bills of exchange.[5] First developed in the late Middle Ages to facilitate the remission of funds abroad, these credit and currency exchange instruments evolved into more complex tools at the very same time as their use also spread among larger segments of the population. During Montesquieu's lifetime, merchants of all stripes used bills of exchange on a routine basis for the conduct of commodity trade, while a smaller number of international merchant bankers treated them as purely financial contracts to speculate on currency arbitrage. The state, too, depended on bills of exchange to receive part of its revenues and mobilize its wartime finances.[6] Brief and—to the noninitiated—enigmatic pieces of papers, bills of exchange extended credit without collateral and aroused anxieties about the divorce between the tangible value of minted coins and the abstract value of paper money, for which they were often mistaken in the eye of the public, although in reality, unlike fiat money, their negotiability depended on the reputation of the single individuals who endorsed them.[7] All in all, in eighteenth-century France bills of exchange symbolized the expansion of commerce as a positive force that linked disparate people and regions yet fomented fears of "usury," a term that was invariably associated

3. Daniel Gordon offers a probing account of how the idea of *société* emerged in the century preceding the Revolution and its connection to allegories of *commerce*, including a sobering account of Montesquieu's *doux commerce*, but omits any treatment of how Jews figure in the texts he examines (*Citizens without Sovereignty*). See also Spector, *Montesquieu: Pouvoir, richesses et sociétés*, esp. 145–66.

4. For a recent assessment, see Clay, "Bourgeoisie, Capitalism, and the Origins of the French Revolution."

5. The standard account of the early evolution of European bills of exchange remains Roover, *L'évolution de la lettre de change*.

6. Rowlands, *Dangerous and Dishonest Men*; Hunt, "Global Financial Origins."

7. A fierce critic of John Law and his short-lived experiment with paper money, Montesquieu decried the public debt (e.g., *Persian Letters*, letters 22 and 138, and *Spirit of the Laws*, II, 4, and XXII, 10, 17) even as he praised private credit. The point has already been noted by Hirschman, *Passions and the Interests*, 75–76; and Spector, *Montesquieu et l'émergence de l'économie politique*, 283–84.

Published by Duke University Press

with Jews and that meant both excessive interest and financial malpractice more generally.[8]

In spite of a growing interest among historians of eighteenth-century France in political economy, broadly conceived as a set of state policies, merchants' interests, and intellectual debates, scholars have paid scant attention to how Jews figured in Christian debates about commerce.[9] Similarly, scholarship on the French Revolution and on Jewish emancipation has developed largely along parallel tracks.[10] Ronald Schechter has already demonstrated that Jews were an object of interest in French thought that far exceeded their numbers and constituted a yardstick against which core concepts were defined.[11] Here I wish to expand on these insights to revisit vexed questions about the relationship between commerce, toleration, and equality. When did Jews inform progressive ideas about the rise of a nonconfessional commercial society, and when did they inspire an association with usury? And how were both arguments deployed, and with what effect, in the transition from Old Regime systems of toleration to emerging notions of equality?

By *commerce*, eighteenth-century French writers meant first and foremost foreign trade and the effects that its growth brought about in all spheres of society and government. Montesquieu's chapter cited in the opening of this article set up a dichotomy between bills of exchange as new and fundamentally positive credit devices and usury as a medieval and nefarious credit practice. Historians of eighteenth-century French Jews have mapped this dichotomy onto the Sephardi/Ashkenazi divide; that is, they have emphasized the divergent socioeconomic profiles of the Jewish communities of the southwestern and northeastern regions of the kingdom. The Sephardim engaged in long-distance trade and international finance, which required the regular use of bills of exchange, and were better integrated into the fabric of local society, while the Ashkenazim, overwhelmingly occupied in moneylending and petty trade, experienced social

8. The *Dictionnaire de l'Académie française* defined *usury* as "illegitimate interest" in 1694 and as "illegitimate interest or profit" in 1762 (s.v. "usure"). The addition of the word *profit* signals the expansion of the meaning of the term beyond interest-bearing loans to economic transactions more generally. In the same dictionary (s.v. "juif"), the word *Jew* was used to indicate both a man who lends at interest and a very rich man ("riche comme un Juif"). See also Furetière, *Dictionnaire universel*, s.v. "juif." By contrast, the word *credit* was not associated with Jews.

9. Perrot, *Une histoire intellectuelle*; Shovlin, *Political Economy of Virtue*; Clark, *Compass of Society*; Cheney, *Revolutionary Commerce*; Terjanian, *Commerce and Its Discontents*; Vardi, *Physiocrats*.

10. Telling is the absence of any discussion of Jewish emancipation in Andress, *Oxford Handbook of the French Revolution*. Conversely, even the most capacious study of the representations of Jewish commerce in European thought at the crossroads of early modernity and postemancipation gives limited consideration to the French Revolution: Karp, *Politics of Jewish Commerce*.

11. Schechter, *Obstinate Hebrews*. An even broader argument for the centrality of images of Jews in the "Western tradition" appears in Nirenberg, *Anti-Judaism*.

Published by Duke University Press

isolation and fueled Christian hostility. In the accepted account of emancipation, the Sephardim of Bordeaux led the charge because commerce had made them more respectable, and even sought to distance themselves from their Ashkenazi brethren in 1789–90 (if not to stall the latter's emancipation) for fear of compromising their reputation.[12]

In fact, across Montesquieu's works and the majority of eighteenth-century authors, the binary between usury and commercial credit is highly unstable. I argue that this instability is the product of a longer legacy, which associated Jews with self-serving economic behavior that was incompatible with full membership in medieval *civitas* or in eighteenth-century *société*. This widely held Christian conviction cut across the three principal discourses about Jews and money that developed in early modern Europe. At the root of all three is the thirteenth-century conception of usury (the opposite of charity), which rests on the contiguity between Jews' theological and economic infidelity and the depiction of usury as the ultimate antisocial behavior. As infidels, those lacking *fides* or *fama*, that is, trustworthiness, Jews were also assumed to operate unfairly in credit markets. This notion of usury, which emerged from the writings of theologians and canon lawyers between 1180 and 1215 and shaped European religious and secular thought over the long run, presumed that Jews exploited Christians but also portrayed all economically exploitative behaviors as metaphorically Jewish.[13] Thus constructed, usury, if initially associated with Jewish pawnbroking, could easily be adapted to cast suspicion over all economic activities, whether conducted by Jews or not, including long-distance trade and finance.

In this expansive meaning, usury remained associated with Jews even when, after the mid-sixteenth century, in pockets of Europe there emerged a second discourse and set of policies, what Jonathan Israel calls "philosemitic mercantilism," which favored greater inclusion for Jews on the grounds that they possessed commercial skills beneficial to the state and to society.[14] Although far more inclusive of real-life Jews, seventeenth-century doctrines of toleration inspired by philo-Semitic mercantilism still regarded Jews as a discrete and potentially oligopolistic group that required ad hoc regulation within a corporate social order. They made no room for ideals about the anonymity of the market that only formal universal equality would later sustain. Finally, a

12. Hersch, "French Revolution," 556–57; Hertzberg, *French Enlightenment and the Jews*, 314, 325–27; Szajkowski, *Jews and the French Revolutions*, 235–66; Feuerwerker, *L'émancipation des juifs*; Malino, *Sephardic Jews of Bordeaux*, 27–64. Focusing on the negotiations conducted in 1790–91, only Gérard Nahon emphasizes the commonalities of the cause advanced by the Jews of the Southwest, the Northeast, and Paris ("Séfarades et ashkenazes").

13. Todeschini, *I mercanti e il tempio*, esp. 94–106, 228–38.

14. Israel, *European Jewry*, 93.

Published by Duke University Press

third discourse about Jews and money appeared along the Franco-German border in the last quarter of the eighteenth century. This "new paradigm" condemned Jews' specialization in the moneyed economy but attributed it to centuries of persecution (something for which remedies existed) and went farther than ever before in advocating Jewish equality.[15] As I will show, however, this discourse, too, conflated usury and commerce and thus at times slipped into older, essentialist descriptions of the supposed Jewish penchant for both.

To understand why Montesquieu's tale about the Jewish invention of bills of exchange could be appropriated for seemingly contradictory purposes, we need to appreciate how much these three discourses had in common, in spite of their temporal, geographic, and even ideological distance. By using that tale as an Ariadne's thread through myriad texts, I will stress its plasticity and show that from the mid-seventeenth to the late eighteenth centuries, the same account served as a critique of the accepted boundaries of credit, as a celebration of the virtues of commerce, and as a reminder of the corrupt character of Jews. At every turn, new meanings were forged at the intersection of intertextual traditions (enhanced by innovations in the eighteenth-century publishing world) and external circumstances.

A Neglected Footnote

Albert O. Hirschman was the first modern commentator to draw attention to the passage in *The Spirit of the Laws* attributing to Jews the invention of bills of exchange. He placed great emphasis on this passage in his consideration of Montesquieu's arguments in favor of commerce as a check on despotism and unbridled passions. But not even Hirschman felt the need to delve deeper into the sources of this affirmation.[16] An even greater indifference toward that passage characterizes most scholarship on Montesquieu.[17] Various reasons account for this neglect: the apparent marginality of Jews and Judaism in Montesquieu's thought, a general disregard for these themes among mainstream scholars of the French Enlightenment, and a deep investment in the irenic and inclusive quality of *doux commerce*. For these reasons, even specialists of Montesquieu's

15. The expression "new paradigm" comes from Karp, *Politics of Jewish Commerce*, 94.

16. Hirschman, *Passions and the Interests*, 72–74. Before Hirschman it was rare for scholars of Montesquieu's economic thought to consider the role of Jews in it. Cf. Cotta, "Le développement économique"; and Devletoglou, "Montesquieu and the Wealth of Nations." In a detailed summary of Montesquieu's chapters on commerce, Thomas L. Pangle, for whom, "with minor exceptions, Montesquieu's economic theory is an endorsement of laissez-faire economics *avant la lettre*," omits any mentions of Jews and bills of exchange (*Montesquieu's Philosophy of Liberalism*, 242). See also n. 42.

17. Suffice it to cite two classics and one recent study: Richter, *Political Theory of Montesquieu*; Macfarlane, *Montesquieu*; Dijn, *French Political Thought*.

Published by Duke University Press

economic thought normally treat this mystifying statement as a self-evident parable that requires little more than some paraphrasing.[18]

By contrast, the passage has enjoyed a certain fortune among historians of early modern Jews, who take it as evidence that Montesquieu was one of the few eighteenth-century French voices friendly to the Jews.[19] When in 1968 Arthur Hertzberg made the controversial case for the Enlightenment roots of modern anti-Semitism, he also singled out Montesquieu as a skeptical anti-Voltaire, benignly predisposed toward Jews.[20] Subsequent studies of the philosophes' writing on Jews and Judaism have taken issue with Hertzberg's portrait and offered more nuanced interpretations but have also contributed little to our understanding of Montesquieu's view of the relationship between Jews and the spirit of commerce.[21]

In the secondary literature, the contention that "Jews invented letters of exchange" is thus alternatively too obvious or too enigmatic to engage. To understand the meaning of this commonplace, we may turn to the footnote that Montesquieu appended to his assertion that Jews invented bills of exchange: "It is known that under Philip Augustus and Philip the Long, the Jews who were chased from France took refuge in Lombardy, and that there they gave to foreign merchants and travellers secret letters, drawn upon those to whom they had intrusted their effects in France, which were accepted."[22] The formulation "it is known" indicates that there was nothing controversial about this account, or at least that Montesquieu sought rhetorically to suggest that he was distilling common knowledge. Indeed, by the time *The Spirit of the Laws* appeared in 1748, the gist of the story had been in circulation for a hundred years and, at least in France, amounted to a veritable legend. The literature relaying this

18. They spend more time on other subjects, such as Montesquieu's opposition to the nobility's involvement in trade, his critique of mercantilism ("jalousie sur le commerce"), his preference for commercial over territorial empires, or his contrast between "commerce de luxe" (which is typical of monarchies) and "commerce d'économie" (which is a feature of republics). Those specialists who cite Montesquieu's passage about the Jewish invention of bills of exchange, regardless of their ideological tendencies, do so incidentally or without inquiring into its sources. A longer (though still not exhaustive) list of such incidental references would include Schaub, *Erotic Liberalism*, 127; Morilhat, *Montesquieu*, 100; Pii, "Montesquieu e l'*esprit de commerce*," 196; Larrère, "Montesquieu on Economics and Commerce," 357, 363; Manent, *Cours familier*, 151–53; Force, *Self-Interest before Adam Smith*, 152; Howse, "Montesquieu on Commerce," 706; Spector, *Montesquieu et l'émergence de l'économie politique*, 173–75; Rahe, *Montesquieu*, 182; and Cheney, *Revolutionary Commerce*, 60.

19. Ettinger, "Economic Activities of the Jews," 17; Karp, *Politics of Jewish Commerce*, 92–93; Muller, *Capitalism and the Jews*, 20. A subtler reading is proposed by Kriegel, "Juifs," 575–76.

20. Hertzberg, *French Enlightenment and the Jews*, 10, 70, 267, 287, 290, 292, 295–96, 307, 312–13.

21. Sutcliffe offers a balanced assessment of Voltaire's writings on Jews and Judaism in *Judaism and Enlightenment*, 213–46; his anti-Hertzberg stand is even more pronounced in "Enlightenment, French Revolution, Napoleon."

22. Montesquieu, *Spirit of the Laws* (1949), 1:365n*o*. In this note and in nn. 78 and 85, the footnotes in the works cited are designated with letters rather than numerals.

Published by Duke University Press

fanciful tale was then sufficiently large, and the standards for attribution or footnoting sufficiently loose, that Montesquieu did not need to offer a more precise source.

He arguably had easy access to the two main texts that had put the legend into circulation: *Us et coustumes de la mer*, an annotated compilation of maritime law published in 1647 by a barrister and fellow Bordelais named Estienne Cleirac (1583–1657), and Jacques Savary's *Le parfait négociant* (1675), the most widely reprinted, translated, and pirated merchant manual in early modern Europe. Cleirac was likely the first author to commit the legend to print. In a meandering commentary on the definition of marine insurance, he concocted an unlikely yet, to his readers, apparently credible historical narrative according to which medieval Jews expelled from the kingdom of France invented marine insurance and bills of exchange to salvage their goods. The merchants of those Italian cities ("Lombardy") where Jewish exiles found refuge welcomed the invention and spread it across Europe.[23] Imbued with the virulent language of medieval Jew hatred, Cleirac's commentary juxtaposed the figure of the Jewish usurer with the reality of early modern international commerce to express concerns generated by the growing diffusion of bills of exchange, those arcane yet increasingly ordinary credit instruments able to generate and dissipate wealth in mysterious ways.

Savary's deft editorial hand tamed Cleirac's wild fantasy and produced what became the standard account that Montesquieu and many others during the eighteenth century repeated, elaborated, or contested.[24] Editorial differences aside, Cleirac and Savary agreed on the moral of the story: they did not wish to demonize all forms of credit but labeled as "Jewish" those that appeared illicit and morally devious. They shared a commitment to legitimize commercial professions in a society, Old Regime France, that remained profoundly feudal. In their moralizing narrative, not every merchant is a usurer. The figure of the Jewish usurer fulfills a didactic function: it represents the improper way of trading in bills of exchange at a time when the increased circulation of those bills created

23. Cleirac, *Us et coustumes de la mer*, 224–28. This text, today little known, was reprinted in Bordeaux in 1661 in an expanded edition and then reissued four additional times: in Paris in 1665, in Rouen in 1671 and 1682, and in Amsterdam in 1788. See also Trivellato, "Credit, Honor, and the Early Modern French Legend." The expression "secret letters," which figures in Montesquieu's footnote, appears in Cleirac but not in Savary. Other textual and contextual clues suggest that Montesquieu likely knew Cleirac's work. Another comment in *The Spirit of the Laws* (XXI, 17), for example, this time about the ancient Roman law of wreck, appears to be derivative of Cleirac.

24. Savary, *Le parfait négociant*, 121; Savary, *Parères*, 128 (*Parère* XIV). He eliminated any reference to marine insurance from the legend, as Montesquieu did later, likely because by then marine insurance neither mystified observers nor fueled accusations of usury. Note that Montesquieu commends the usefulness of marine insurance to sustain seafaring trade but still calls it "maritime usury" (XXII, 20), a telling linguistic relic of a medieval past that Cleirac still perceived as proximate.

Published by Duke University Press

new opportunities as much as it raised fears about the difficulty of distinguishing between honest merchants, who are a gift to state and society, and reckless speculators.

This most dubious account of how bills of exchange had come into being fused medieval and early modern Christian beliefs about the association between Jews and finance. The figure of the Jewish usurer, at once a construction of thirteenth-century theologians and a staple of the popular imagination, penetrated Christian culture so profoundly that it could be mobilized regardless of its reference to reality. With the persistence and agility of entrenched prejudice, it could apply to Jews who were no longer isolated in ghettos or confined to moneylending and participated instead in far-reaching networks of international trade and finance that bills of exchange wove together. These networks brought Jews and Christians in closer relation with one another but also fed apprehensions about Jews' economic influence.

In spite of an early refutation of its veracity, the legend extended its reach.[25] By the time Montesquieu was twenty-five, it had appeared in a variety of legal and commercial commentaries and merchants' manuals, as well as in authoritative dictionaries.[26] The first, massive dictionary of trade published in Europe by Savary's two sons between 1723 and 1730 further enhanced its circulation.[27] Most readers of Montesquieu were thus arguably familiar with this tale, but they, too, had reason to be surprised by the twist he gave to it.

A Novel Interpretation

The Spirit of the Laws introduced a moment of discontinuity in the legend's reception: it offered an entirely new interpretation of the fabled conjecture about the Jewish origin of bills of exchange. By inventing these bills, Montesquieu posits, Jews averted Europe's arrested development caused by the barbarian invasions, scholasticism, and the tyranny of medieval Christian rulers, who expelled and expropriated them on a whim. Thanks to bills of exchange, "commerce . . . became capable of *eluding violence* . . . ; the richest merchant having

25. In 1690 a well-received treatise on bills of exchange (a genre then in growing demand) stressed the implausibility of the legend more than it engaged with its meaning for the role of Jews in the economic development of Europe: inventions, it stated, do not normally take several centuries to unfold, and when expelled, Jews would not have been in a position to count on friends willing to help them. Dupuis de la Serra, *L'art des lettres de change*, 6–7.

26. Bornier, *Conférences*, 2:341, 412; Toubeau, *Les institutes du droit consulaire*, 586, 647; *Dictionnaire de l'Académie française*, s.v. "assurance" (4th ed., 1762) and "change" (1st ed., 1694; 4th ed.); Ricard, *Traité général du commerce*, 89–90; Gobain, *Le commerce*, 1–2; Moulinier, *Le grand trésor des marchands*, 77; *Dictionnaire universel françois et latin*, s.v. "assurance" and "change, lettre de"; Bléville, *Le banquier françois*, 22.

27. Savary des Brûlons and Savary, *Dictionnaire universel*, s.v. "assurance" and "lettre de change."

Published by Duke University Press

none but invisible effects, which he could convey imperceptibly everywhere he pleased" (XXI, 20; my italics).[28]

Jews were harbingers of modernity because, by resisting persecution, they had devised a credit instrument that put despotism to rest. A despot may be tempted to confiscate land, homes, ingots, or cargoes (possibly, according to Montesquieu, to placate popular antisemitism) but not pieces of paper that he could not redeem. Once limited in their ability to plunder, princes realized that they "should govern with more prudence than they themselves could ever have imagined" and Europe began "to be cured of Machiavelism" (XXI, 20). Meanwhile, the church, which equated commerce with "knavery," lost its grip on society and "the theologians were obliged to limit their principles" (XXI, 20). With the rise of the spirit of commerce, moderation triumphed in government and in mores: "Happy is it for men that they are in a situation in which, though their passions prompted them to be wicked, it is, nevertheless, to their interest to be humane and virtuous" (XXI, 20).

A putatively Jewish invention, in other words, engineered a cultural and political revolution that, at the onset of what today we call early modernity, altered the course of European history. To eighteenth-century readers, Montesquieu's rendering of the legend must have appeared as novel as Machiavelli's nonreligious definition of *virtù* had struck readers of *The Prince* two hundred years earlier. To cast Jews not just in a positive light but even as the dei ex machina able to create a new European commercial society in which credit flowed freely and securely was nothing short of scandalous.[29] Or was it not? To evaluate the extent of this novelty, I turn first to the immediate context in which the legend emerged and then to the discursive context in which it was inscribed, namely, Montesquieu's remarks on Jews and Judaism across his writings.

New Christians and New Jews in Bordeaux

Cleirac (1583–1657) and Montesquieu (1689–1755) lived in one of the very few French cities that, after the expulsion of 1394, included a Jewish minority. In 1550, the French crown allowed those fleeing the Spanish and Portuguese Inquisitions to settle in the Southwest as "Portuguese merchants called New Christians." In those years, other towns in Europe, including Florence, Ferrara, and Antwerp, also welcomed New Christians (i.e., Jews forcibly converted to Catholicism in Iberia during the 1490s) under similar terms. What is peculiar about Bordeaux is that this institutional arrangement lasted beyond the mid-

28. The introduction of bills of exchange, without reference to Jews, is also mentioned in discussions of the relationship between merchants and the state in Montesquieu, *Considerations*, 199 (chap. XXI).

29. Not surprisingly, this chapter was among those censored by the Sorbonne theologians: Larrère, "Montesquieu on Economics and Commerce," 373n45.

Published by Duke University Press

seventeenth century, by which time stable Sephardic Jewish communities had been established in Venice, Livorno, Amsterdam, Hamburg, and London. This form of toleration in the French Southwest meant that the crypto-Judaism of most New Christians was an open secret. Few in number, "Portuguese merchants" were overrepresented among Bordeaux's international traders and well established in certain manufacturing sectors (silk and Moroccan leather in particular), local retail, and the medical profession.[30] Their concealed religious identity not only crossed religious authorities but also generated anxiety that behind any reputable merchant might lurk a "Jewish usurer."

The fictional and didactic narrative that Cleirac broadcast in the mid-seventeenth century blends medieval conceptions of usury with a quintessentially early modern association between Jews and bills of exchange. A host of fantastic analogies arguably nurtured this association. Like Jews who fled the Inquisition, these bills moved across geopolitical borders with great ease. Written in cryptic words, bills of exchange, like Jews, operated on the basis of secret codes unintelligible to outsiders. Perceived secrecy in financial operations went hand in hand with deeper fears about the sincerity of religious conversion. Like New Christians who passed themselves off as devout Catholics, fraud in the use of bills of exchange was not easily detectable, particularly by outsiders to the trade. Commercial society, in short, was expanding in the absence of consumer protection agencies and turning wealth into something more and more intangible and thus also harder and harder to trace across personal and geographic networks.

Considerable changes affected the legal status of New Christians in Bordeaux during the four generations that separated Montesquieu's birthdate from Cleirac's. While fears of religious dissimulation continued to haunt the Christian populace and the philosophes, the reality of crypto-Judaism progressively declined. By the 1680s the crown implicitly recognized a Jewish presence in the Southwest.[31] During the years (1716–26) when Montesquieu held office at the parlement (the highest royal appeals court in the region), Jews "were coming into the open," ceasing to marry in church or baptize their children.[32] In 1723, two years after the appearance, to enormous success, of Montesquieu's *Persian Letters*, the king officially sanctioned the open practice of Judaism in Bordeaux. There is no doubt that Montesquieu became acquainted with some Sephardic Jews and *conversos*, both at home and during his travels abroad.[33]

30. Malvezin, *Histoire des juifs à Bordeaux*; Malino, *Sephardic Jews of Bordeaux*; Nahon, *Juifs et judaïsme*.

31. Nahon, *Juifs et judaïsme*, 48–49.

32. Hertzberg, *French Enlightenment and the Jews*, 276.

33. On the possible friendship between Montesquieu and the New Christian physician Cardoso, see ibid. Montesquieu recorded his meeting with the Sephardi polymath Giuseppe Attias in Livorno in *Spicilège* no. 472: Montesquieu, *Pensées*, *Le Spicilège*, 803–4.

Published by Duke University Press

Over a century and a half of voluntary or involuntary acculturation to the dominant society and involvement in the Atlantic economy set the Jews of the Southwest on a different path from those living in Alsace and Lorraine, who were the only other sizable Jewish population in the kingdom.[34] In Bordeaux, Jewish and *converso* merchants regularly transacted bills of exchange, including many with Catholics and Huguenots, and the most well-to-do among them absorbed the habits of conspicuous consumption of Catholic *rentiers*.[35] Without reducing the novelty of Montesquieu's version of the legend to evidence of material changes, we can recognize in it more than an echo of the economic functions and social standing of the Jewish merchants in his native Gascony. This is not to say that his version of the legend expressed an entirely novel attitude toward Jews on the part of Montesquieu and his followers.

Jews, Commerce, and Toleration in Montesquieu's Writings

In Schechter's words, "Voltaire was obsessed with the Jews."[36] The same does not apply to Montesquieu. Yet the latter, too, from time to time recounted anecdotes from the history and religious books of the Jews as he knew and understood them. He did so with the same intention as many other eighteenth-century French thinkers for whom Jews were "good to think."[37] How shall we understand Montesquieu's valorization of the role of Jews as forerunners of the spirit of commerce? Did he mean to convey an altogether positive view of Jews? If not, why did he choose Jewish merchants to posit a relationship between commerce and freedom from Machiavellianism?

With a technique already tested in the *Persian Letters*, Montesquieu put his harshest indictment of the Iberian Inquisitions in the mouth of an imaginary Portuguese Jew who allegedly witnessed the burning at the stake of "an eighteenth-year-old Jewess" in Lisbon (XXV, 13).[38] Aside from this well-known vignette, references to Jews in *The Spirit of the Laws* are few and far between, if generally sympathetic. The ancient Israelites, following Josephus, are said to have been an agricultural nation, the opposite of the Phoenicians (XXI, 6)—an

34. An impoverished Jewish community still lived in the region around Avignon, which remained under papal control until 1791. The Jews of Paris were few.

35. Menkis, "Gradis Family"; Menkis, "Patriarchs and Patricians."

36. Schechter, *Obstinate Hebrews*, 46.

37. I echo Schechter's paraphrasing of Claude Lévi-Strauss: *Obstinate Hebrews*, 7, 36. On Montesquieu's representations of Jews and Judaism, particularly useful is Ages, "Montesquieu and the Jews." Paul H. Meyer offers a strong, though not entirely fair, rebuttal of Hertzberg's reading of Montesquieu in "Attitude of the Enlightenment."

38. Elsewhere Montesquieu criticizes the Inquisition with no reference to its crimes against Jews (XXVI, 11). The Jews of Brazil are explicitly mentioned as targets of the Portuguese Inquisition in *Spicilège* no. 459: Montesquieu, *Pensées*, *Le Spicilège*, 797–98.

Published by Duke University Press

argument that Christian reformers would deploy later in the century as evidence of the possibility of "regenerating" a people that had not always devoted itself to usury.[39] Only in one other instance did Montesquieu refer to the plight of Jews as evidence that commerce is incompatible with despotism. In Russia, he wrote, "all the subjects of the empire are slaves" and forbidden from conducting any import and export trade; the expulsion of Jews in 1745 followed accusations that they smuggled money out of the country and to those banished to Siberia by means of bills of exchange (XXII, 14). Blind despotism, in other words, was a cause of economic underdevelopment.

The evaluation of the Jews' economic functions across Montesquieu's oeuvre, however, is inconsistent. In the game of mirrors that constitutes the *Persian Letters*, Usbek indulges in stereotypes about the unchanging nature and avarice of Jews, whom commerce does not make "gentler," at the same time as he praises Europe's wilting persecution of them.[40] Alongside conflicting references, we ought to signal some noticeable missed opportunities to explore in more sustained fashion the relationship between commerce and toleration with specific respect to Jews. Some of the most quoted lines from *The Spirit of the Laws* are associated with its theory of *doux commerce*: "Commerce is a cure for the most destructive prejudices; for it is almost a general rule, that wherever we find agreeable manners, there commerce flourishes; and wherever there is commerce, there we meet with agreeable manners" (XX, I).[41] The phrasing is powerful and the thesis famous, but readers are left guessing who the victims of these "destructive prejudices" were and how exactly self-interest curbed those prejudices. Allusions easily leave room for expansive and ideologically laden readings.[42]

Alongside praise of the spirit of commerce, a darker vision creeps into *The Spirit of the Laws*. Elaborating on a motif with an ancient pedigree that was gaining greater traction, Montesquieu had no doubt that "the history of commerce

39. Other passing references include those to Judaism and Islam as religions of practice (XXV, 2); to the "stupidity" of those Jews who, when militarily attacked on a Saturday, did not defend themselves (XXVI, 7); and to the Visigoths' "ridiculous request" that Jews eat pork (XXIX, 16).

40. The salient passages are in letter 58 (*Persian Letters*, 78–79): "Wherever there is money, there are Jews"; "Nothing resembles an Oriental Jew more than a European Jew"; "Jews in Europe have never before experienced such peace as they now enjoy. Christians are beginning to abandon that spirit of intolerance which formerly inspired them." Intent on offering a bleak picture, Hertzberg lifts damning statements from Montesquieu's notebooks, including some in which the philosophe rails against rabbinical Judaism (*French Enlightenment and the Jews*, 275). But passages of the opposite tenor could also be highlighted. A similar instability in the valuation of commerce appears in Montesquieu's notebooks (see n. 44).

41. Montesquieu uses the terms *doux* and *douceur* to characterize moderation in manners and government, but the expression *doux commerce* does not figure in *The Spirit of the Laws*, although it was in usage at the time. Early textual evidence had appeared in Michel de Montaigne's *Essais* (1588): Terjanian, *Commerce and Its Discontents*, 12.

42. Pangle is exemplary in this respect, and far less subtle than Hirschman (*Montesquieu's Philosophy of Liberalism*, esp. 204). See also n. 16.

Published by Duke University Press

is that of the communication of people" (XXI, 5). But commerce could also prove harmful to the social fabric; hospitality, for example, is a quality that commercial societies generally lack since monetary transactions replace altruism (XX, 2). Astute observer and privileged nobleman, Montesquieu expressed his staunch opposition to the *noblesse commerçante* for both political and ethical reasons (V, 8; XX, 21–22). "Commerce," he pronounced resolutely, "is the profession of equal people" (V, 8).[43] Fully immersed in the society of orders of his time, the Baron de La Brède meant equality of rank rather than wealth when speaking of equality. Merchants' fortunes, he realized, could vary enormously, but he abhorred the idea that commerce might erode traditional hierarchies and aristocratic honor and denounced the risks deriving from the nobility's oligopolistic position. As Robert Boesche and others insist, Montesquieu feared both the excess of consumption and "the spirit of extreme equality" into which democracy could degenerate (VIII, 2).[44]

Where does all this leave us with regard to the Jews? Could Montesquieu conceive of the New Jews of his own Bordeaux as "equal people" even if, for example, they were barred from membership in the city's chamber of commerce? Did Sephardi merchants, like all Jews, "display for their religion an obstinate, invincible loyalty which borders on fanaticism" (*Persian Letters*, letter 58), or were they subject to the softening effects of commerce and full participants in "the communication of people"? Montesquieu never pursued these questions.[45] In this indifference he was hardly alone. Voltaire is only the most eloquent of the philosophes who invoked Jews for the purpose of making abstract pronouncements about commerce as an engine of religious toleration, in spite of his antipathy toward Jews and Judaism. His *Lettres philosophiques* of 1734 contains an iconic illustration of the London Royal Exchange: "[There] representatives of all nations gather for the utility of mankind; there, the Jew, the Mohammedan and the Christian behave towards each other as if they were of the same

43. This passage is cited from a more adequate English translation: Montesquieu, *Spirit of the Laws* (1989).

44. For Hirschman, "the evaluation of commerce and money-making pursuits as harmless and innocuous can be understood as an indirect consequence of the long-dominant aristocratic ideal" (*Passions and the Interests*, 58). By contrast, for Boesche, Montesquieu maintained an aristocratic disdain for commerce and justified it theoretically by stressing not only the self-restraint that commerce could generate but also "the self-interest, luxury, and license that seemed to be the inseparable companions of the new commercial classes" ("Fearing Monarchs and Merchants," 744). Céline Spector also curbs traditional and recent enthusiasm for Montesquieu as the voice of "liberalism before liberalism," showing that "the liberal reading of Montesquieu risks . . . omitting the subtleties and nuances of his work," particularly when it comes to the interpretation of *doux commerce* ("Was Montesquieu Liberal?," 59, 68). An even more contradictory conception of commerce transpires from Montesquieu's unpublished notes, the famous *Pensées* (*My Thoughts*).

45. Even a staunch defender of Montesquieu's favorable attitudes toward Jews admits that "Montesquieu was fundamentally not interested in Jews as such, but only to the extent that they provided him startling examples of the relationship between intolerance and proselytism." Aubery, "Montesquieu et les juifs," 99.

Published by Duke University Press

religion, and reserve the word 'infidel' for those who go bankrupt."[46] Literary critic Erich Auerbach, writing in exile from Nazi Germany, already noted that Voltaire's vignette "was not really written for a realistic purpose" but rather "to insinuate certain ideas" about the subordination of confessional belonging to the logic of the market.[47] Others have since identified earlier Dutch and English variants of this cameo.[48] In the same vein, Montesquieu's rendering of the legend of the Jewish invention of bills of exchange offered a vivid critique of despotism and the Catholic Church more than it engaged with the actual status of Jewish merchants. But ideas have lives of their own and do not always reflect conditions on the ground. They also take on a spectrum of new meanings in different contexts.

The Legacy of Montesquieu

During the second half of the eighteenth century a bifurcation emerged in the legend's textual transmission: some authors absorbed Montesquieu's more affirmative interpretation while others continued to follow Cleirac and Savary. A boom in serial publications and the reading public enhanced the diffusion of both accounts and occasionally merged them in surprising ways.

Denis Diderot and Jean Le Rond D'Alembert's *Encyclopédie* illustrates all these trends vividly. With some seventy-four thousand entries written by more than 130 contributors, this grand intellectual project inevitably lacks consistency. In the *Encyclopédie* the legend appears with reference to both marine insurance and bills of exchange, in both abbreviated and extended form, and with varying degrees of confidence in its accuracy.[49] Among the entries that dwell on it, two rely mostly on Montesquieu and one primarily on Cleirac and Savary. The entry "Lettre de change," authored by Antoine-Gaspard Boucher d'Argis, a noted jurist who was part of the defense team that appealed the Calas verdict, is informed by the legal and commercial literature. It borrows from both *Us et coustumes de la mer* and *Le parfait négociant*, even lifting entire sections from them. But Boucher d'Argis was also aware of questions about the legend's truthfulness. Instead of taking sides, he reconciled what might appear to be incompatible accounts not by deferring to a higher authority but by invoking, albeit tentatively, a

46. Quoted in Sutcliffe, *Judaism and Enlightenment*, 242. See the original in Voltaire, *Lettres philosophiques*, 60 (letter VI).

47. Auerbach, *Mimesis*, 402–3. See also Ginzburg, "Tolerance and Commerce," 97.

48. Voltaire borrowed from Joseph Addison: Schlereth, *Cosmopolitan Ideal*, 100–103. Spinoza had already depicted Amsterdam in similar terms: Smith, *Spinoza*, 165.

49. The legend in reference to marine insurance appears only in the entry "assurance," written by Toussaint Mallet and lifted from the Savary brothers' *Dictionnaire universel* (n. 27): Diderot and d'Alembert, *Encyclopédie*, 1:774.

Published by Duke University Press

putatively commonsensical view of the Jews' economic prowess: "It would nonetheless be difficult to imagine that the Jews did not take any precautions to salvage their goods when fleeing to Lombardy—something that could only be accomplished by means of bills of exchange. Therefore, there are reasons to believe that they were the first inventors of these instruments."[50] In other words, Boucher d'Argis acknowledges the doubts surrounding the legend but concludes that the story contains a kernel of truth. His compromise reveals the ease with which an emphasis on the circumstances that made Jews into cunning merchants could blur into a belief in their persistent nature as clever speculators. Other groups had suffered expulsion, but no one else had displayed such inventiveness.

The other two entries in the *Encyclopédie* that recount the legend with regard to bills of exchange evince the influence of Montesquieu because they use it to denounce the exploitative policies of arbitrary rulers and to exalt the ingenious resistance of a persecuted minority.[51] Both François Véron de Forbonnais, in the entry "Commerce," and the Chevalier Louis de Jaucourt, in the entry "Juif," depict the Middle Ages through the eyes of Montesquieu as a time ("the barbarous centuries") when trade was in the hands of the Jews, referring to them as "a wandering people" and as "infamous usurers," respectively. But in Forbonnais's valuation of commerce, Jews are incidental.[52] Jaucourt, by contrast, praises Jewish commercial reach, as well as their survival in the face of perennial oppression, and articulates a position that will become a mainstay of

50. Diderot and d'Alembert, *Encyclopédie*, 9:418. This entry was reprinted in Robinet, *Dictionnaire universel*, 23:145–46. Other dictionaries, including those compiling lists of inventors, absorbed the legend without questioning it: Roux et al., *Dictionnaire domestique*, 2:535 (s.v. "lettre de change"); Origny, *Dictionnaire des origines*, 1:66–67 (s.v. "assurance") and 4:163 (s.v. "lettre de change").

51. Montesquieu himself stressed alternatively the economic ingenuity of Jews and of all persecuted groups: "We everywhere see violence and oppression give birth to a commerce founded on economy, while men are constrained to take refuge in marshes, in isles, in the shallows of the sea, and even on rocks themselves. Thus it was that Tyre, Venice, and the cities of Holland were founded. Fugitives found there a place of safety. It was necessary that they should subsist; they drew, therefore, their subsistence from all parts of the world" (XX, 5). Already the *Persian Letters* had foreshadowed what sociologists today refer to as the "theory of middleman minorities," according to which stigmatized minorities can sometimes move up the social ladder because they perform remunerative economic activities that majority society regards as distasteful: "Those who practice a religion tolerated by the state make themselves, as a rule, more valuable to their homeland than do those who belong to the state's dominant religion; barred from consideration from public honours, and able to achieve distinction only by an affluent lifestyle and their own prosperity, they tend to acquire wealth by hard work, and seek out the most arduous occupations in a society" (letter 83). Eighteenth-century debates (mentioned below in the text) on whether medieval Jews or Italian expatriates invented bills of exchange are also precocious expressions of modern sociological theories about emigrants' entrepreneurship.

52. Diderot and d'Alembert, *Encyclopédie*, 3:693 (s.v. "commerce") and 9:24–25 (s.v. "juif"). Forbonnais derived the meaning of the legend from Montesquieu, even as he criticized other aspects of the latter's thought. The legend is the only mention of Jews in his entry, which attributed the invention to one precise event: the 1181 expulsion from France. See also Forbonnais, *Elémens du commerce*, 25.

Published by Duke University Press

Jewish rights: not a natural proclivity but external constraints explain why Jews flocked to commerce, an economic activity that Christians loathed.[53] Elaborating on Montesquieu with renewed rhetorical effectiveness, Jaucourt penned a passage that the consortium of printers who owned the rights to this and associated publications reproduced several times. It is worth citing the passage in full because of its curious fate:

> In the end, constantly expelled from every country, they [the Jews] found the ingenious means to save their fortunes and to ensure their withdrawals. Banned from France under Philip the Tall in 1318, they found refuge in Lombardy and gave merchants there letters drawn upon those to whom they had entrusted their goods before leaving, and these letters were settled. The admirable invention of bills of exchange was born out of desperation and only thanks to them was commerce able to *elude violence* and sustain itself across the globe.[54]

The absence of modern copyright laws combined with the entrepreneurship of those in charge of what Robert Darnton calls "the business of enlightenment" ensured that via multiple copy-cuts, these lines of Jaucourt were reproduced verbatim in numerous publications authored by the fictional "société de gens de lettres," a label that was meant to convey the collective effort of those writers engaged in the project of enlightening the public.[55] The passage even appeared in the revised entry on Jews in the expanded, 1789 edition of Voltaire's *Dictionnaire philosophique*. Voltaire's text, comprising six loosely related sections, meshes together antiquarian knowledge with tendentious readings of the Bible to produce a baffling account of the alleged absurdity of Jewish rites and the obtuseness of Jewish people. Buried amid derision and hostility is an ambivalent admiration for the Jews' commercial prowess, contained mostly in the third section ("On the Dispersion of Jews") and derivative of Montesquieu in both argument and form.[56] Voltaire's conviction that Jews' disproportionate presence

53. Even more than Voltaire when depicting the Royal Exchange, Jaucourt borrowed almost verbatim from Joseph Addison to exalt Jews' ability to connect the entire globe via commercial links. Cf. Diderot and d'Alembert, *Encyclopédie*, 9:25 (s.v. "juif") with Addison: Jews "are, indeed, so disseminated through all of the trading parts of the world, that they are become the instruments by which . . . mankind are knit together in a general correspondence. They are like the pegs and nails in a great building, which, though they are but little valued in themselves, are absolutely necessary to keep the whole frame together." *Spectator*, no. 495, Sept. 27, 1712.

54. Diderot and d'Alembert, *Encyclopédie*, 9:25 (s.v. "juifs"; my emphasis).

55. Darnton, *Business of Enlightenment*. See, e.g., *Le grand vocabulaire françois*, 15:157–62 (s.v. "juifs"); Guyot, *Répertoire universel*, 9:644 (s.v. "juifs"); and Rousselot de Surgy, *Encyclopédie méthodique*, 2:666–68 (s.v. "juifs"). See also Robinet's dictionary (n. 50).

56. *Dictionnaire philosophique*, 5:314–62, 338. The debt to *The Spirit of the Laws* in this section is evident not only in the words *elude violence* but also in the choice of anecdotal details, including that of the horrific treatment of Aaron, a Jew from York (XXI, 20). The first section of this entry in Voltaire's dictionary had appeared as chapter 61, titled "Des juifs," in *Suites de mélanges de littérature, d'histoire et de philosophie*

Published by Duke University Press

among merchants was the result of a Christian disdain for commercial activities was consistent with his negative views of Spain as a place where the Catholic Church and the nobility despised Jews and commerce alike. His admiration for the purported Jewish invention of bills exchange is less obvious: it reflects a belief in Jews' commercial dexterity, as well as the careless repetition of an authoritative cliché.[57]

In Voltaire's hands the legend once again revealed its protean qualities: a sketchy and untenable historical account was embedded in a text that radiated contrary meanings. In general, however, during the second half of the eighteenth century admirers of Montesquieu followed him in evoking the legend with no scornful reference to Jews. Since they trusted their muse, they also helped spread the tale in and beyond France, sometimes adding their own twist to it. The massive and incredibly popular *Histoire philosophique et politique des . . . deux Indes* (1770) incorporated the legend as rehearsed by Montesquieu to press one of its favorite themes, the triumph of ingenuity over church superstition.[58] So common did the tale become that it began to figure in all sorts of literary genres, from travel accounts to précis of blood libel trials.[59]

Intent on using the legend as a redeeming allegory, Montesquieu's followers showed little interest in disputes over its veracity. By contrast, the French legal and commercial literature of the second half of the eighteenth century propagated a more negative view of Jewish usury, as derived from Cleirac and Savary, but also cultivated doubts about the tale's accuracy and offered alternative narratives for the invention of medieval financial instruments. An authoritative commentary of the 1681 *ordonnance de la marine* oscillates between trusting a leading writer of maritime law, Franz Stypmann (1612–50), for whom marine insurance first emerged in medieval Italy, and following the common opinion according to which "the Jews, who are usurers by nature," invented

(1756). More sections were added later. There was no entry at all on Jews in the 1764 edition, which bears the title of *Dictionnaire philosophique, portatif*.

57. The entry concludes by exhorting Jews to make the most of their superior skills in matters of commerce and carry them back to Palestine: *Dictionnaire philosophique*, 5:362. In his *Histoire générale*, Voltaire exploited the cliché of Jews' commercial prowess to lament their undue influence on the Spanish economy and to decry the "proud idleness" of Polish noblemen who left commerce in the hands of Jews (Schechter, *Obstinate Hebrews*, 51). On Voltaire's views of Jews and commerce, see, more generally, Mitchell, *Voltaire's Jews*.

58. Raynal, *Histoire philosophique et politique*, 1:10–11. Guillaume-Thomas Raynal, a Jesuit renegade, was the principal author of this work, which first appeared anonymously. A large cast of writers contributed to it, notably Diderot and the Baron d'Holbach. On Raynal's liberal views about Jews and his calls to end discrimination against them, see Israel, *Democratic Enlightenment*, 495.

59. Examples include a sensational *mémoire* (Eon de Beaumont, *Les loisirs*, 4:149–50), a travel account (Mayer, *Voyages*, 1:27), and an odious account of the 1670 trial for ritual murder of Raphaël Levi (Gayot de Pitaval, *Causes célèbres*, 18:443).

Published by Duke University Press

marine insurance and used it to impose extractive loans.[60] Meanwhile, under the twin influences of natural law and antiquarianism, new skepticism began to envelop the legend. Necessity, rather than a specific people, was seen as the mother of all invention. A comprehensive treatise on marine insurance dismissed as futile the debate over whether Italians or Jews had contributed most toward the creation of marine insurance, "a contract that was born out of the nature of things."[61] A merchant manual still believed that only a dramatic event could have given rise to such a breakthrough as the appearance of bills of exchange but credited "the spirit of commerce," which encourages creativity and produces useful discoveries, with their invention.[62] The search for documentary evidence of the earliest medieval marine insurance contracts and bills of exchange further undermined the legend. France's leading Roman law jurist, Robert Joseph Pothier (1699–1772), contributed to its propagation only because he parsed textual evidence from classical antiquity and the Middle Ages that rejected its validity.[63] Many more scholars were to take up this search in the years and decades to come.

In sum, by the last quarter of the eighteenth century, the legend had been subjected to considerable scrutiny. While it continued to convey fears of usury as inseparable from commerce, its reworking by Montesquieu became a canonical message that linked commerce to toleration, albeit abstractly. However, as we are about to see, when the debate on Jewish emancipation erupted in the French public sphere, it was not under the guise of tolerance that the legend resurfaced.

Usury, the Spirit of Commerce, and Emancipation

Hertzberg maintains that "later in the [eighteenth] century Montesquieu was consistently quoted by all those who were on the side of the Jews."[64] More

60. Valin, *Nouveau commentaire*, 2:25, 45; Stypmann, *Tractatus*, 103 (part IV, chap. 7, nos. 8–9). Jean Paganucci's dictionary of trade does not question the legend's credibility in paraphrasing Savary and relays that in the commercial vocabulary the word *Jew* can be synonymous with "a usurious merchant or too much interest": Paganucci, *Manuel historique*, 2:251 (s.v. "lettres de change") and 2:225–26 (s.v. "juif"). See also s.v. "interêts lunaires" (2:218), which meant usurious interests charged on the basis of the lunar calendar by Jewish traders in the Levant.

61. Emerigon, *Traité des assurances*, 1:2.

62. Nicodème, *Exercice des commerçans*, 388.

63. Engaged in a debate on the Roman origins of credit instruments, which occupied German and Italian legal scholars in particular, Pothier corrected the misreading of Cicero's letters to Atticus as evidence of the existence of bills of exchange in antiquity. Insisting on the uncertainty surrounding the emergence of bills of exchange, he also pointed to a 1357 Venetian law as evidence of their use at that time. See Pothier's chapter on the origins of bills of exchange in his *Traité du contrat de change*, 5–6, citing from Passeri, *De scriptura privata*, 187. A portion of Pothier's chapter was reprinted in *Code de l'humanité*, 8:386–90. The editor of Pothier's treatise on marine insurance (*Traité du contrat d'assurance*, x) inserted a reference to the legend in his introduction, replacing bills of exchange with marine insurance.

64. Hertzberg, *French Enlightenment and the Jews*, 276.

Published by Duke University Press

specifically, he contends that Montesquieu furnished the intellectual argument underlying all claims in favor of Jewish legal equality: like all men, Jews, too, possessed a mutable nature, one shaped by external factors rather than inherent characteristics.[65] In fact, Montesquieu's influence over the debates on emancipation was feebler and more ambiguous. Usury and Jews' involvement in both moneylending and commerce became cornerstones in those debates as they unfolded in the northeastern provinces of France during the last quarter of the eighteenth century. In that environment, which was quite unlike that of the Southwest where Montesquieu had recast the legend in positive terms, Cleirac's and Savary's versions of that same narrative still resonated as cautionary tales about the pernicious effect of Jewish usury.

Demands to extend full civic rights to Jewish men began in earnest during the 1770s in Alsace and Lorraine and provoked no small fury. In those regions the largest portion of France's Jewish population (roughly thirty thousand individuals) lived mostly dispersed in the countryside and in conditions that differed markedly from those found in Bordeaux. Never forced to conceal their religious identity, Franco-Ashkenazim were subjected to aggravating legal disabilities and limited in their economic endeavors. Banned from most cities, aside from Metz, except under the payment of humiliating personal transit taxes, and forbidden from owning real estate, cultivating the land, and hiring non-Jewish help, they were active in moneylending, peddling, the cattle trade, and the sale of secondhand clothing; only the most affluent ones were involved in the horse trade and army provisioning.[66]

In these adverse circumstances, the earliest Gentile advocate of Jewish rights was also the most radical. An audacious lawyer and later moderate revolutionary, Pierre-Louis Lacretelle (1751–1824) called for the full equality of Jews as men (*hommes*) and as subjects of the kingdom (*régnicoles*).[67] Later champions of Jewish rights, embracing the Enlightenment strategy of blaming the evils of the present (such as Jews' ostensible predilection for fraud) on the "errors" of

65. Hertzberg even suggests that Christian Wilhelm von Dohm (on whom more below in the text) borrowed from Montesquieu his fundamental idea about the mutability of Jewish society (ibid., 292). Jonathan Karp, by contrast, shows that the physician Charles Bonnet and the pedagogue Johann Bernhard Basedow were Dohm's main sources of inspiration in this respect (*Politics of Jewish Commerce*, 113).

66. On the Alsatian Jews' successful campaign for the abolition of the personal transit tax (*péage*) in 1783 and their economic status more generally, see Feuerwerker, *L'émancipation des juifs*, 3–48.

67. Lacretelle defended, in vain, two Jews of Metz before the Parlement of Nancy in 1775 after the merchants' guild of Thionville, Lorraine, refused them admission in spite of a recent royal decree that had opened membership of all French guilds to foreigners; the guild evidently considered Jews neither subjects nor foreigners. In the printed version of the harangue, he described the object of the trial as concerning "public order, the rights of humanity": *Plaidoyer*, 26. A revised version, which omits this passage, is included in Lacretelle, "Mémoire pour deux juifs de Metz." Excerpts of the 1775 harangue appeared anonymously in *Mercure de France*, Feb. 11, 1786, 76–84.

Published by Duke University Press

the past, were to call consistently for the "regeneration" of Jews and for legal measures to accelerate that process. Lacretelle was less adamant on this point.[68] He, too, however, advocated the passing of special laws in one arena: Jews' economic activities. In denouncing the hatred toward Jews, he attributed it in no small part to their practice of usury and *friponnerie*.[69] A *fripon* was a rogue or, in a period French-English dictionary, "an unworthie fellow, one that useth, or is given to, base trickes, and . . . hath no inclination to any goodness."[70] He was someone who cannot be trusted ("fourbe, qui n'a ni honneur, ni foi, ni probité") and a near synonym with Jews ("les Juifs sont de grands usuriers, frippiers, & trompeurs").[71] As we will see, Jews were characterized as *fripons* in virtually every text concerning their economic activities, regardless of the author's political inclinations. This persistence underlines the constraints that language imposed on the emergence of a forceful counterdiscourse about the relationship between Jews and credit.

For Lacretelle, the sorry state of French Jews compared unfavorably with that of the Jews of Holland, parts of Italy and Germany, and especially the American colonies, where "commerce brought them a bit closer to the ordinary human condition," making them "more honest and more faithful in their dealings."[72] In revising his works for posterity, Lacretelle stressed this point by turning to a familiar subject: the legend as told by Montesquieu.[73] Not even he, however, who regarded commerce in a more positive light than later supporters of Jewish civic and political rights, upheld the Sephardim as models. His plea foreshadowed the unresolved tension between moneylending and commerce that would characterize the emancipation debates. Barred from artisanal and commercial activities for fear that they would provide unfair competition to Christians, Jews had specialized in moneylending; moneylending, in turn, had corrupted their moral fiber. "Usury," Lacretelle wrote, "seems to have made Jews, at all times, into its loyal agents."[74]

68. On Lacretelle's use of the term *arrêt de régéneration* and its misinterpretations, see Sepinwall, *Abbé Grégoire*, 262n19.

69. Lacretelle, *Plaidoyer*, 28–29; Lacretelle, "Mémoire pour deux juifs de Metz," 230.

70. Originally *fripon* meant "a rag, or tattered clowt." Jews' occupation in the retail of secondhand cloths gave way to the association. Cotgrave, *Dictionarie*, s.v. "fripon."

71. Furetière, *Dictionnaire universel*, s.v. "juif." See also *Dictionnaire de l'Académie française* (1762), s.v. "fripon." The word *fripon* was also associated with the word *cabale* (from Kabbalah, the Jewish traditions of mystical interpretation of religious texts) when the latter was used to refer to conspiracies by merchants aimed at altering prices and defrauding consumers or competitors: Mathias de Saint-Jean, *Le commerce honorable*, 111; Melon, *Essai politique sur le commerce*, 219–20; Larue, *Bibliothèque*, 1:587.

72. Lacretelle, *Plaidoyer*, 30; Lacretelle, "Mémoire pour deux juifs de Metz," 233–34.

73. Lacretelle, "Mémoire pour deux juifs de Metz," 232–33.

74. Ibid., 230. An earlier formulation of this phrase is in Lacretelle, *Plaidoyer*, 28–29.

Published by Duke University Press

Jewish lending activities in Alsace had little in common with the ways in which their critics portrayed them. Notarial records show Jews to be a minority among the creditors in the region, even if overrepresented among rural petty moneylenders.[75] In spite of these facts, Christian resentment ran deep. In 1777–78 a crown official with an aversion to Jews and a gift for inflammatory rhetoric, François-Joseph-Antoine Hell, engineered an unprecedented defamation campaign, when he persuaded Alsatian peasants not to repay their debts to Jews and distributed forged receipts with Jewish signatories attesting to the extinction of those debts.[76] In the aftermath of the Hell *affaire*, a Prussian civil servant with radical inklings, Christian Wilhelm von Dohm (1751–1820), hired by the Alsatian Jewish leader Cerf Berr (1730–93), penned the most vigorous defense to date of Jewish civic and political rights. His recommendations included a shift of Jewish economic endeavors away from commerce and toward manufacturing and agriculture.[77] A century earlier the ecclesiastical historian Claude Fleury had already expressed admiration for the simple life of ancient Israelites, devoted as he saw them to cultivating the land in Palestine, while condemning the corruption, greediness, and duplicity of the postexilic Jews in the diaspora.[78] By the 1780s this became a leitmotif among Gentile backers of Jewish rights.[79]

75. Daltroff, *Le prêt d'argent*. Some Jews also owed money to Christians: Szajkowski, "Alsatian Jewish Inventories," 97.

76. Hersch, "French Revolution," 546; Szajkowski, *Jews and the French Revolutions*, 174–75, 202–19; Hertzberg, *French Enlightenment and the Jews*, 287–89; Schechter, *Obstinate Hebrews*, 67–73. Schechter corrects Hertzberg's hasty association of Hell and Voltaire and brings to light the influence of Rousseau on Hell instead. Ten years later the *cahiers de doléance* from the Alsace, Lorraine, and Metz railed against Jewish usury: Feuerwerker, *L'émancipation des juifs*, 262–67; Liber, *Les juifs*, 2–45.

77. Dohm, *De la réforme politique des juifs*. The work appeared in German, titled *Über die bürgerliche Verbesserung der Juden*, first in 1781 and then in a mildly revised edition in 1782. The second edition took notice of some revisions introduced in the authorized French translation by Jean Bernoulli (Dohm, *De la réforme politique des juifs*). Berr had initially solicited Moses Mendelssohn (1729–86), the renowned Berlin rabbi and voice of Haskalah (Jewish Enlightenment), who suggested that he enlist Dohm in his place, on the grounds that a non-Jewish supporter would be more effective. Mendelssohn later took issue with Dohm's negative portrait of the Jews' involvement in commerce. In the preface to his German translation of Menasseh ben Israel's 1655 call for the readmission of Jews to England, Mendelssohn posited a stronger link between economic and civic freedom and advocated "civic acceptance" (*bürgerliche Aufnahme*) for the Jews, while Dohm had spoken of "civic improvement" (*bürgerliche Verbesserung*): Sorkin, *Moses Mendelssohn*, 114; Sorkin, *Religious Enlightenment*, 197–98.

78. Fleury, *Les moeurs des Israélites*, 341. Hertzberg (*French Enlightenment and the Jews*, 41) describes Fleury's as "the single most widely known book on ancient Judaism to appear in France before the Revolution." Dohm borrowed more from the noted Orientalist Johann David Michaelis (1717–91), who depicted the ancient Jewish state as agrarian but also harbored profound hostility for the Jews whom he studied (*De la réforme politique des juifs*, 162n*an*).

79. A dissenting voice, a Prussian deist and Jacobin, described as "new and dignified" his idea that "the ancient colonies of the Jews were commercial and not agricultural." Following Montesquieu but also adding his own charges ("Christianity quenched all spirit of commerce"), he celebrated the Jews' ingenious invention of bills of exchange as "a seal of immortality," which benefited both Jews and humanity at large: Cloots, *Lettre sur les juifs*, 4, 54–55.

Published by Duke University Press

Dohm depicted the Middle Ages in terms not dissimilar from Montesquieu's (church persecution had forced Jews into a scorned profession) but, unlike Montesquieu, he did not attribute to Jews the ability to free society at large (or free themselves, for that matter) from the evil effects of their occupational specialty. Only after the fall of the Roman Empire, he wrote, did the Jews turn to commerce. Though overspecialization in commerce was the by-product of persecution, it meant that fraud and usury had become distinctive traits of the Jewish character.[80] To "cure this corruption," Dohm proposed not only to open all professions to Jews but also to institute specific measures to "distance Jews from the *profession of commerce* and to seek to lessen its influence on their character."[81] In Jonathan Karp's reading, Dohm decried the Jews' concentration in mercantile professions "not because he was opposed to commerce per se but because . . . he believed that commerce was too important to be left to Jews."[82] A universalist commercial society was one in which Jews neither held a monopoly nor tainted Gentiles involved in the same activities. This reading, however, obscures the blurring of commerce and usury in Dohm's seminal text. Although a deist, Dohm was imbued with Christian theological and popular notions according to which Jewish usury was a marker of exclusion from commerce understood as a social bond. If he blamed "the moral depravity of Jews" on centuries of harassment, he depicted the effects of harassment in familiar terms: it had made it impossible for a Jew to be "a good citizen, a sociable man" (un bon citoyen, un homme sociable).[83] Echoing the thirteenth-century trope recalled at the beginning of this article, he added: "Their character tends to lead them [Jews] to commit usury and fraud in commerce . . . , their religious biases render them asocial."[84]

A critic of the pernicious effects that commerce supposedly had on the collective character of Jews, Dohm did not celebrate the Sephardim. Buried in one of his footnotes was praise for their commercial talents penned by a Sephardi author: Jews "were the first to establish banks" in Bordeaux and Bayonne.[85] This

80. Dohm, *De la réforme politique des juifs*, 69.

81. Ibid., 77–78.

82. Karp, *Politics of Jewish Commerce*, 103. For a different reading that sees Dohm as opposed to both the physiocrats' idealization of agriculture and the English valorization of commerce, see Liberles, "Dohm's Treatise on the Jews," 38.

83. Dohm, *De la réforme politique des juifs*, 51.

84. Ibid., 49. On the blurred line between commerce and usury (understood as excessive gain, whether in moneylending or in trade more generally), see also ibid., 36–37, 58, 68–69, 76.

85. Ibid., 158n*ac*, citing Péreire, *Recueil*. On the latter text, see Hertzberg, *French Enlightenment and the Jews*, 59–61. Note that Dohm knew well Montesquieu's *Spirit of the Laws*, from which he cited the account of the 1745 Jewish expulsion from Russia (*De la réforme politique des juifs*, 161n*ah*) but not the legend. His translator adopted Montesquieu's language in rendering the passage that claimed that the Jews of Italy there were treated more gently than coreligionists elsewhere: "avec plus de douceur" (ibid., 61). A more literal

Published by Duke University Press

line would resurface in other texts in the years to come, but, in spite of Montesquieu's version of the legend, it never inspired a full-fledged rebuttal of the equation of Jews with usury or a depiction of international commerce and finance as instruments of Jewish acculturation. The thread that linked seventeenth-century philo-Semitic mercantilism to Montesquieu's *doux commerce* was becoming looser and looser.

Dohm's pamphlet provided the blueprint for the French-language debates that ensued. These debates, while focused on the supposed particularism of the Jews and still framed with respect to the existing sociopolitical order, became a testing ground for competing visions of citizenship in the early phases of the Revolution. Here begins the last installment to support the thesis of this article that perceptions of Jews' economic roles were always symptomatic of larger claims: implicitly or explicitly, they outlined the forms and limits of Jews' participation in the surrounding society and, in so doing, articulated the economic and moral ideals that should infuse that society as a whole. That is why we ought to be surprised by the near absence of crossover between scholarship on Jewish emancipation and on the French Revolution.

Perhaps nowhere is this disconnect more pronounced than in the treatment of Honoré-Gabriel de Riquetti, comte de Mirabeau, son of the noted physiocrat and the most influential politician of the National Assembly (later National Constituent Assembly) in 1789–91. Historians of European Jews know the count for his laudatory portrait of Moses Mendelssohn and his backing of Jewish rights.[86] Historians of the French Revolution know him as a masterful orator and fierce opponent of Finance Minister Jacques Necker. In fact, the two Mirabeaus have a lot in common. In 1787, while in Berlin, where Mendelssohn resided, the count not only wrote his tract on Jews but also lent his name to a publication, *Denunciation of Speculation* (*Dénonciation de l'agiotage*), engineered by a circle of friends involved in trading stocks and foreign currencies. This was the "climactic pamphlet" in a series in which, out of conviction or opportunism (he too engaged in financial speculation), Mirabeau condemned the crown's handling of the public debt and financial markets.[87] Both texts, the one on Jews and the one on speculation, conveyed the same message, one resonant with

rendering of the German original, "mit wiserer Politik," would have emphasized the wiser policies of Italian rulers rather than their gentler mores: Dohm, *Über die bürgerliche Verbesserung der Juden*, 1:82.

86. Hersch, "French Revolution," 549; Hertzberg, *French Enlightenment and the Jews*, 120, 265, 287, 293–94, 334, 338. Amid his indictment of physiocrats as "anti-Jewish," Hertzberg regards Dohm and Mirabeau as "more generous spirits" (*French Enlightenment and the Jews*, 76) but gives a reductionist account of the economic theories underpinning Christian representations of Jewish economic roles.

87. Mirabeau, *Dénonciation de l'agiotage*. For the quotation in the text, see Darnton, *George Washington's False Teeth*, 147. See also Harris, *Necker and the Revolution*, esp. 58, 111, 461–64, 550–54, 641–42; Shovlin, *Political Economy of Virtue*, 159–72; and Hunt, "Global Financial Origins," 40–42.

Published by Duke University Press

physiocratic principles. If physiocrats advocated economic liberalization, including such measures as the abolition of guilds that would affect Jews positively, they also deplored banking and finance and thus economic activities in which Jews were amply represented. To become citizens and patriots, Mirabeau argued, Jews had to recover the rural way of life of ancient Israelites and sever their long-held ties to commerce, which he called "the veritable, or rather the only cause of the corruption of the Jews."[88]

This idea was to become a refrain in the essay competition sponsored by the Royal Society of Arts and Sciences in Metz in 1785, which Hertzberg called "the central event in the battle of opinion [about Jews] in the last years before the Revolution" and which asked, are there ways of making the Jews more useful and happier in France?[89] Indebted to varying extents to Dohm and Mirabeau, all three winners—a Protestant barrister of Nancy, Claude-Antonie Thiéry; a Polish Jew recently immigrated to Paris and soon to be hired as interpreter of Oriental languages in the Bibliothèque du Roy, Zalkind Hourwitz; and the abbé Henri Grégoire, who later overshadowed all others—concurred in maintaining that education and economic activities were vital tools to "regenerate" Jews and thus to make them eligible for citizenship.[90] All three also associated Jews with usury. The only Jewish voice, Hourwitz, boiled down all Christian accusations against the Jews to two: usury and *friperie* ("they are usurers & *fripons* because they are oppressed").[91] The latter term and its cognates were also staples in Grégoire's moral characterization of the Jews.[92]

All advocates of emancipation conceived Jewish usury as a product of history rather than nature, but none of them made a concerted effort to distinguish

88. Mirabeau, *Sur Moses Mendelssohn*, 88. With an inconsistency typical of several Christian advocates of Jewish rights in this period, Mirabeau mentioned the unwillingness of the Bank of England to discount bills of exchange by Jews as an example of patriotism that the French crown should imitate: *Dénonciation de l'agiotage*, 75–76.

89. Hertzberg, *French Enlightenment and the Jews*, 328.

90. For a discussion of the term *regeneration* in this context and a comparison between the first and second submissions of Grégoire's essay, see Sepinwall, *Abbé Grégoire*, 57–59, 66–74. On Hourwitz, see Malino, *Jew in the French Revolution*.

91. Hourwitz, *Apologie des juifs*, 15, 24. Before Hourwitz, Isaïe Berr-Bing (1759–1805), a young and vocal leader of the Metz Jewish community, rebutted a libel written by an infantry captain, Philippe-François de Latour-Foissac, who portrayed Jews as insatiably hungry for gold, nourished by hatred for Gentiles, and rendered incapable of feeling pity for others by their "greed" and "scandalous commerce" (*Le cri du citoyen*, 6–7). Berr-Bing agreed on the corrupting power of commerce and on the virtues of rural life (*Lettre*, 18–19) but borrowed from Isaac Pinto a complex (if scripturally inaccurate) distinction in Jewish law between usury and interest and described the Jews as "the engines of commerce, the agents of circulation more than the real proprietors of gold" (*Traité de la circulation*, 211). The same distinction and arguments were repeated in 1788 by Ber[r]-Bing, *Mémoire particulier*, 15n5. See also Berkovitz, *Rites and Passages*, 97–98.

92. Grégoire, *Essai*, 37, 47, 73, 75, 79, 80, 82 (here in relation to Christian usurers), 89, 94, 97, 107, 146, 184. The terms *fripon* and *friperie* were rendered in English (Grégoire, *Essay*) as "deception" (46, 117), "selling old cloths" (57–58, 178–79), "the art of committing fraud" (90), "cheats" (92), "deceitful" (98), "fraud" (99), "knaves" (102), "villainy" (110, 182), "villain" (121, 229), and "criminals" (134).

Published by Duke University Press

between commerce and moneylending. Postexilic Jews had been forced into commerce, and commerce had corrupted them. Thiéry lamented that Jews "soon forgot their primitive simplicity and renounced life in the fields in favor of arts and commerce."[93] In a chapter titled "In What Manner the Jews Became a Commercial People and Usurers," Grégoire repeated that narrative: ancient Israelites had been farmers; they even "neglected commerce, though they inhabited a maritime country, abounding with excellent harbours."[94]

In this context Grégoire also resurrected the legend of the Jewish invention of bills of exchange, but with the objective of casting Jewish economic talents in a negative light. His was no casual remark. So resolved was Grégoire to assert the legend's authenticity that he went out of his way to dismiss alternative accounts pointing to Florentines or Germans as inventors of bills of exchange.[95] Ventriloquizing Montesquieu, he maintained that by inventing bills of exchange, Jews could "*elude violence* and support themselves by means of riches almost invisible."[96] Rather than benefiting commercial society as a whole, however, for Grégoire, this invention benefited the Jews alone. Jewish commerce was usurious because it fulfilled an egotistic purpose.

Born to a modest family in a small village in Lorraine, Grégoire felt the plight of the peasantry that railed with hostility against Jewish moneylenders.[97] In his appropriation of the legend, he turned Montesquieu's narrative on its head and demonstrated that Cleirac's earlier rendering remained alive. In fact, the entire section of his *Essay* devoted to Jews' economic activities is in many ways a dialogue with Montesquieu. For Grégoire, commerce during the Middle Ages was synonymous with Jews: "Every commercial resource was found naturally in their hands."[98] While he emphasizes the detrimental effect of persecution, he also describes Jews as possessing (or having developed—the reasoning is unclear) qualities that over time had become innate, such as "a thirst for gain," "an acuteness which in an instant could see what profits were to be made," and

93. Thiéry dated this transformation of Jews from peasants to merchants to the destruction of the Second Temple by Herod: *Dissertation*, 7.

94. Grégoire, *Essay*, 106.

95. Ibid., 103. He cites both Dupuis de la Serra (see n. 25) and Fischer (*Geschichte des deutschen Handels*, 1:297) for the two alternative hypotheses. Grégoire offers no textual or empirical evidence in support of the legend but mentions Giovanni Villani's chronicle, to which Cleirac had mistakenly attributed the legend (*Us et coustumes de la mer*, 224). On Villani and Cleirac, see Trivellato, "Credit, Honor, and the Early Modern French Legend" and, for fuller textual commentary, "La naissance d'une légende."

96. Grégoire, *Essai*, 83 (my emphasis and my translation). Note that the period English translator rendered the sentence differently: Jews used bills of exchange to "elude *vigilance*" (not *violence*) and to acquire "riches almost invisible . . . which leave no traces behind them." Grégoire, *Essay*, 102–3 (my emphasis). Either he made a mistake, or he purposefully engaged in wordplay with both Grégoire and Montesquieu.

97. Alyssa Goldstein Sepinwall links Grégoire's life and thought in *Abbé Grégoire*, 15–55.

98. Grégoire, *Essay*, 101.

Published by Duke University Press

a "genius for calculation" (*génie calculateur*).[99] Secular authorities who deprived Jews of alternative means of livelihood in the interest of securing their financial services were to blame, but a fact remained: Jews "worship no other idol but money, and are infested with no other leprosy but usury."[100] As other fervent partisans of Jewish rights before and after him, Grégoire easily slipped into essentialized views of Jewish economic cunning at the same time as he sought to undo them.

In a subtle rebuttal of Montesquieu, he volunteered "a remark, which no person, perhaps, ever yet made": as Christians began to engage in commerce in the late Middle Ages, they provided competition for the Jews and thus reined in "the robbery of the Jews." The pursuit of profit demanded "security" and "sincerity" to guarantee respect for contractual obligations. Among Christians, the spirit of commerce performed its duties and generated a self-policing commercial society: "The rays of reason, enlightening the mazy path of usury, taught the people to be on their guard against the frauds of the usurer."[101] For reasons that Grégoire does not elucidate, the spirit of commerce did not perform the same magic on Jews. If all merchants struggle to develop any patriotism ("The merchant, become a citizen of the world, . . . is seldom a zealous patriot"), Jews are doomed in that respect: rootless people ("not attached to the soil"), they sell their probity to the best offer.[102] This was a different sort of cosmopolitanism from the one captured in Voltaire's romanticized description of the London Royal Exchange. Then a weapon in the hands of those opposing Jewish emancipation, the trope of Jews' multiple allegiances was pitted against the patriotism that proved the foundation of citizenship in the new political order.[103]

Grégoire borrowed from Dohm the claim that Jews brought banking to Bordeaux and Bayonne, but by relaying it after his sinister rendering of the legend, he shed any admiration for it.[104] In August 1789 he moved from apologetics to politics to argue for Jewish rights before the National Constituent Assembly. In this speech he abandoned regeneration in favor of unconditional equality. Perhaps impressed by his encounter with a delegation of Jews from the Southwest, the revolutionary priest repeated the anecdote concerning the Sephardi

99. Ibid., 101, 102, 106. Admittedly, Sephardi apologetic literature also used some of these terms: "their talent for commerce and their genius for opening up new branches of trade" (Péreire, *Recueil*, 4).

100. Grégoire, *Essay*, 105.

101. Ibid., 104–6.

102. Ibid., 104, 101.

103. A fierce opponent of Jewish emancipation, speaking on December 24, 1789, described the Jews as "a sort of transient population, or rather as cosmopolitans who have never enjoyed, nor have ever demanded the title of French citizens": "Opinion de M. le prince de Broglie, deputé de Colmar, sur l'admission des juifs à l'etat civil," 3, anastatic reprint in *La révolution française*, 7: n.p.

104. Grégoire, *Essai*, 83; Grégoire, *Essay*, 103.

Published by Duke University Press

establishment of banking in Bordeaux and Bayonne and, more than in his *Essay*, hailed the respectability of the Jews of Amsterdam, The Hague, Berlin, and Bordeaux. Sephardim and Ashkenazim were equally worthy and useful. Yet on this occasion he resorted once more to the legend as evidence not of the virtues of Sephardi commerce but of the interdependence of Jewish commerce and usury.[105] More generally, throughout his work, Grégoire alternated between collective references to "the Jews" and contrasts between Sephardim and Ashkenazim, and ultimately hoped for the conversion of all of them.[106]

How did Jews respond, rhetorically, to these accusations? Among the entrants in the Metz contest, Hourwitz alone came close to singling out the Sephardim as a living example of regeneration. Even he, however, alternately distinguished between Sephardi commerce and Ashkenazi moneylending and conflated the two. In both cases, usury separated Jews from the rest of the population. To remedy the situation, Hourwitz advocated the Jews' admission to craft guilds, to liberal professions, and to land cultivation—all measures that would decrease the number of merchants among them, "and thus the number of *fripons*."[107] Moreover, he urged Jews to take concrete steps to abandon all particularism, to develop closer ties to Gentile customers, and to submit themselves to "the inspection of *la police*," so as to diminish the necessity and opportunity "to cheat and steal" and thus enhance the chances that "their merchants [would turn] into more honest men."[108] If they followed his recommendations, he concluded, Jews of the Eastern regions would "over time, become as happy and as

105. "Speaking of the Jews, one has to speak of usury . . . : during the Middle Ages, their genius for calculation [*génie calculateur*] led to the invention of bills of exchange, useful to protect commerce and enhance it in every corner of the globe; but their rapacity has offset the benefits of this contribution . . . and this vice has long been gangrenous for the Jewish people." Grégoire, *Motion*, 28–29.

106. On Grégoire's conversionist aims, see, among a larger literature, Hertzberg, *French Enlightenment and the Jews*, 265; and David Sorkin's chapter on the Reform Catholic theologian and Grégoire's teacher Adrien Lamourette (*Religious Enlightenment*, 263–309, esp. 273). Grégoire remains a polarizing figure in current scholarship. Sepinwall emphasizes the abbé's unfriendly views toward Jews and Judaism and the mixed responses that his calls for emancipation provoked among Jewish readers ("Friend of the Jews?"). By contrast, Rita Hermon-Belot relays the "shock" of educated Jewish readers of the *Essay* on the occasion of its bicentenary, who found it full of "outdated anti-Jewish commonplaces" ("Abbé Grégoire's Program for the Jews," 16–17). Yet she defends the abbé's pro-Jewish stand on the grounds that he persistently attributed the faults of Jews to their persecutors, a stand that was hardly mainstream at the time. Sepinwall's and Hermon-Belot's readings of Grégoire represent divergent assessments of French republicanism more generally. See also Hermon-Belot, *L'abbé Grégoire*.

107. Hourwitz, *Apologie des juifs*, 36.

108. Ibid., 37. On the notorious difficulty of translating the term *police*, see Gordon, *Citizens without Sovereignty*, 19–21. Poorly informed and repeating Dohm's advice (*De la réforme politique des juifs*, 82), Hourwitz also proposed that Yiddish no longer be used in business contracts and account books, so as to improve transparency and good reputation (*Apologie des juifs*, 37). In reality, at least in Metz, Jews had been obliged to keep their business records documenting transactions with Christians in French since 1670, and by the time Hourwitz was writing, the Jews of Alsace rarely signed their documents in Hebrew letters: Szajkowski, *Jews and the French Revolutions*, 177, 202.

Published by Duke University Press

useful to the state as their coreligionists from Bordeaux and Bayonne."[109] But his depiction of Jewish economic activities displeased the leaders of Bordeaux's Jewish community, who were offended by the call for regulation and the interchangeable mentions of commerce and usury.[110]

Other Jewish voices also hinted at the utility of Jewish commerce or at the beneficial effects that commerce had on the Sephardim of the Southwest, but unlike their seventeenth-century predecessors, they met with little success.[111] Called to report to Malesherbes, the minister charged with reforming the status of "non-Catholics," in 1788 the Sephardim asked to be admitted to the chambers of commerce of the kingdom because they, too, "contribute[d] to the progress of commerce."[112] The stakes were different from those of 150 years earlier, when privileges, rather than rights, were the cardinal principles of politics, and their request was denied. After the Revolution began, addressing Grégoire in August 1789, the deputies of the Jewish community of Bordeaux cited "a multitude of associations devoted to trade and charity" as examples of the "fraternity between Christians and Jews" that entitled them to equal rights, yet they refrained from further elaborating on their economic activities.[113]

From the northeastern regions came different slogans but no paradigmatic faith in the emancipatory effects of commerce. The *mémoire* drafted by the Strasbourg Jewish leader Cerf Berr when recruiting Dohm cast commerce in opposition to usury and touted freedom of commerce as an antidote to the causes of Jewish oppression in Alsace, but it pointed to the economic functions of court Jews like Berr himself, who served the economic needs of the state, more than it reaffirmed the tenets of *doux commerce*.[114] In October 1789 Isaac Berr-Bing was even more cautious. He celebrated the orderly society of the Jews of Metz as he demanded the lifting of all restrictions on Jewish occupations and property rights. He lament that connivery ("la petite friperie") was all that

109. Hourwitz, *Apologie des juifs*, 72. More generally, he maintained that Jewish merchants were more upstanding than other merchants, as shown by the infrequency of Jews in the weekly printed lists of merchants who went bankrupt in London and Amsterdam (17n1). He insisted that Jews were "the most sober and most industrious of all people" and claimed that "usury and fraud" were the only vices they shared with other nations (34). The only Jewish contender in the Metz competition is also the one who titled his essay an "apology," perhaps an intentional homage to the seventeenth-century mercantilistic philo-Semitic genre (see n. 111).

110. Malino, "Zalkind Hourwitz," 87–88; Malino, *Jew in the French Revolution*, 72.

111. On how seventeenth-century Jewish leaders mobilized inflated views of Jewish economic prowess to secure more stable privileges for their coreligionists in commercially oriented European states, see Ravid, "'How Profitable the Nation of the Jewes Are'"; and Braude, "Myth of the Sephardi Economic Superman."

112. Liber, *Les juifs*, 86.

113. "Lettre adressé à M. Grégoire . . . par les députés de la Nation Juive portugaise de Bordeaux," in Ayoun, *Les juifs*, 89.

114. Berr's "Mémoire sur l'etat des juifs d'Alsace" was published at the end of the first volume of Dohm's *Über die bürgerliche Verbesserung der Juden*, 155–200, here esp. 186–89. See also n. 77.

Published by Duke University Press

sustained the two-thirds of them who lived in poverty and stressed that no Jew in the area had ever traded wholesale in grain, "because our religion condemns those who amass this basic food staple."[115] The grain crisis of the past summer had been a first major test for the young revolutionary government, and Berr-Bing knew the specter of famine and the fears of oligopolies that it had engendered. He thus portrayed Judaism as a religion that inspired charity rather than greed more than he made a case for the virtues of large-scale commercial transactions.

Gentile observers were even more prone to conflate commerce with usury. In Alsace an anonymous voice sympathetic to Jews praised their economic contributions to society and the state but equated "commerce" with "moneylending."[116] In his famous speech to the National Assembly of December 23, 1789, Clermont-Tonnerre added little of substance on the economic roles of Jews. In blaming external constraints for the Jewish habit of lending at interest, he too lumped all moneyed professions together.[117] At the opposite end of the political spectrum, the abbé Maury denied that Jews were ever an agricultural people ("They were laborers neither under King David nor under King Solomon") and equated them with the Barbary pirates, who "are occupied solely in commerce" and live off prizes and confiscation by the sea.[118]

Conclusion

The legend that Montesquieu helped crystallize demands our attention because throughout the eighteenth century it became received wisdom, so much so that its detractors had to work hard to debunk it. It absorbed old motifs from overlapping Christian discourses on Jewish economic roles and adapted them to changing realities. Its malleability contributed to its fortune, which traversed genres and ideological fault lines. In the mid-seventeenth century, when bills of exchange became simultaneously more complex and more ordinary financial instruments, Cleirac and Savary presented a didactic tale in which Jews figure as symbolic barometers of the morality of credit. In the eighteenth century both Montesquieu and Grégoire appropriated the legend: Montesquieu's goal was to express a critique of despotism and intolerance that hinges on an exaggerated image of Jewish commercial ingenuity; Grégoire aimed to reinforce a historical

115. Ber[r]-Bing, *Mémoire particulier*, 11. By contrast, his brother Isaïe had attributed the absence of Jewish wholesale merchants in Metz to external constraints: *Lettre*, 28.

116. *Lettre d'un Alsacien*, 13–15.

117. "Men who only own liquid assets can only live off the profits their money generates, and you have always forbidden them from owning any other property." Quoted in Ayoun, *Les juifs*, 106–7. A proponent of emancipation, Mirabeau, whose earlier writings were discussed above, said little on the subject during the heated debates in the National Assembly in December 1789 and January 1790.

118. Ibid., 108. On Barbary pirates and the making of French identity, see Weiss, *Captives and Corsairs*.

Published by Duke University Press

connection between Jews and rapacious moneylending that borders on essentialism. While their respective declensions of the legend are no mere reflections of the realities in which the two authors lived, it seems hardly a coincidence that Montesquieu wrote in Bordeaux (a center of international trade and finance) and Grégoire in Lorraine (the land of Jewish petty trade and moneylending).

This geography raises the question of the degree to which emancipation expanded or departed from the regime of toleration devised for the Sephardim of the Southwest. Several historians of eighteenth-century European Jewry, especially Anglophone ones, today insist on the importance of the politics of commerce as a vehicle for the acceptance of certain segments of the Jewish diaspora in Christian Europe and understand emancipation as a gradual process rather than a sharp break from the Old Regime. Thus, for the "port Jews" of Bordeaux, as for those of Amsterdam, Trieste, and London, who developed cultural traits and a legal status that set them apart from Ashkenazi Jews, emancipation is said to have been "not a rupture or radical departure but merely a completion of a process."[119] Other specialists in Jewish history downplay the contrast between Sephardim and Ashkenazim in eighteenth-century France and highlight instead the cultural osmosis with the surrounding world that even traditional Ashkenazi communities developed in spite of the limitations imposed on them.[120] Finally, some shelve all arguments for continuity and emphasize the break brought about by formal legal equality.[121]

Once we place the legend of the Jewish invention of bills of exchange at the intersection of the discursive and historical contexts examined here, each of these interpretations reveals its weakness. On the one hand, in Old Regime France, commerce was undoubtedly the lynchpin of toleration policies that offered New Christians and New Jews in the Southwest unparalleled privileges and the occasion for daily and extended interactions with non-Jews, both at home and overseas. On the other hand, when equality rather than privileges became the subject of debate, the Jews of the Southwest, creatures of philo-Semitic mercantilism, were rarely heralded as paragons of the virtues of commerce in antithesis to the Jews of the Northeast, who remained emblems of usury.

The conflation of moneylending and commerce in eighteenth-century French images of Jewish economic roles not only exposes the tenacity of discursive traditions, sometimes in authors who self-consciously dissociated themselves from those traditions, but also demonstrates that exaltations of Jewish

119. Sorkin, "Port Jew," 97. See also Dubin, *Port Jews of Habsburg Trieste*, 198–214; and Sorkin, "Port Jews."

120. Berkovitz, *Rites and Passages*.

121. Stow, *Anna and Tranquillo*.

Published by Duke University Press

commercial prowess worked better in the context of Old Regime policies of toleration than during the struggle for emancipation. Montesquieu's novel interpretation of the legend presupposed a discontinuity between medieval usury and early modern commerce but did not subvert the place attributed to Jews in a corporate Christian society. It represented both medieval Jewish moneylenders and early modern Jewish international traders and bankers as occupying a separate niche, and one in which they wielded undue influence—something that would be anathema to the universalist credo of the Revolution. Montesquieu brought Jews into the narrative thread of European civilization and even credited them with a groundbreaking invention that, by curbing despotism, marked a step forward in that civilizational arc. Yet he stopped short of discussing whether Jews could be brought into the fold of Europe's commercial society or whether the spirit of commerce and emulation applied differently to them. The *doux commerce* ultimately responded to the logic of what Jonathan Israel labels the "moderate Enlightenment," the mainstream thought of French philosophes of the 1740s, applauded by generations of scholars for its progressivism yet molded onto a prerevolutionary political and social order.[122] Its celebration of the power of the marketplace—as a physical place and as an abstract principle of exchange—to curtail religious prejudice was far from a cry for equality. In fact, it was entirely compatible with the structure of a corporate society and Jews' place in it.

By the mid-eighteenth century it had become a cliché for theorists of commercial society to state, as Forbonnais did, that commerce binds people into "reciprocal communication."[123] In the 1760s the *Encyclopédie* and the Jewish authors who rebutted Voltaire's anti-Jewish writings could extol Jewish merchants as "pegs and nails" in the edifice of global trade and stress the status of the Jews of Bordeaux and Bayonne as subjects (*régnicoles*). But in those years emancipation had yet to appear on the horizon. Even the most consistent defense of Jews' contributions to commerce in the 1760s, penned by Israël Bernard de Vallabrègue, was still infused with the corporate logic of Old Regime philo-Semitic mercantilism.[124] Only two decades later, amid the "cacophony of arguments" marshaled by the champions of Jewish emancipation on the eve of and during the Revolution, the virtues of commerce hardly became a hallmark

122. Specifically on Montesquieu, see Israel, *Enlightenment Contested*, 269–70. It should be evident why, unlike Allan Arkush ("Montesquieu"), I do not find it pertinent to ask why Montesquieu fell short of advocating full Jewish emancipation.

123. Forbonnais, *Elémens du commerce*, 1:1.

124. The word *citizen*, for example, is used in generic terms, without any reference to active political rights: Vallabrègue, *Lettre*. My reading of this work is closer to Schechter, *Obstinate Hebrews*, 116–19, than to Sepinwall, *Abbé Grégoire*, 62.

Published by Duke University Press

of pro-Jewish advocacy.[125] In fact, no matter how diverse, all the texts examined here dating to the last quarter of the eighteenth century reveal a frequent lexical and conceptual slippage between commerce, usury, and *fripponerie*. Usury and "bad faith" were the antisocial faces of commerce, and in the eyes of even the most sympathetic observers they remained historically (if not theologically) associated with Jews.[126]

This lexical and conceptual slippage signals the fragility of the line separating Ashkenazi moneylending from Sephardi commerce in the Christian imagination. That the Revolution emancipated the Jews of France in two steps, those of the Southwest in January 1790 and all the others twenty months later, certainly suggests that the Sephardim were regarded as more integrated and more respectable. In the everyday life of Bordeaux, commerce embedded Jewish and Christian merchants in networks of economic dependence (often interlaced via bills of exchange) that sustained the eighteenth-century French expansion in the Atlantic. But the decree of January 28, 1790, phrased emancipation as the confirmation of preexisting "rights," as demanded by Sephardi leaders, who clung to the hope of preserving their corporate autonomy. When the language of continuity with the Old Regime disappeared from the decree of September 27, 1791, it was not because commercial "interests" had displaced prevailing "passions" about Jews.[127] In other words, the "*political* arguments for capitalism before its triumph," which Hirschman regarded as the key contribution of Montesquieu's *doux commerce*, failed to provide a weapon in the battle for replacing old privileges with new political rights for Jews.[128]

FRANCESCA TRIVELLATO is Frederick W. Hilles Professor of History at Yale University.

Acknowledgment

The author would like to thank the journal's anonymous reviewers as well as the many colleagues who offered incisive criticisms on earlier drafts: Jay R. Berkovitz, Carolyn J. Dean, Lynn Hunt, Jonathan Karp, Lisa Moses Leff, Sarah Maza, Sophia Rosenfeld, Maurice Samuels, and David Sorkin.

125. The expression "cacophony of arguments for emancipation" appears in Leff, *Sacred Bonds of Solidarity*, 19–20, 27.

126. "Across all times and by all nations Jews have been reproached for their bad faith, a capital flaw especially given that commerce was their only means of subsistence" (Dohm, *De la réforme politique des juifs*, 48).

127. Both decrees are reproduced in *La révolution française*, 7: n.p.

128. The citation is the subtitle of Hirschman, *Passions and the Interests* (my emphasis). It would be instructive to pursue a comparison with Britain, where promoters of Jewish commerce like John Toland and Josiah Tucker favored the naturalization of Jews, although the proposed legal status in mid-eighteenth-century Britain was not analogous to citizenship in revolutionary France. See Karp, *Politics of Jewish Commerce*, 67–93; and Sutcliffe, "Philosemitic Moment?," 43–93. Note that the failed 1753 naturalization act is translated into French in Mirabeau, *Sur Moses Mendelssohn*, 92–109.

Published by Duke University Press

References

Ages, Arnold. 1969. "Montesquieu and the Jews." *Romanische Forschungen* 82, nos. 1–2: 214–19.

Andress, David, ed. 2015. *The Oxford Handbook of the French Revolution*. Oxford.

Arkush, Allan. 2003. "Montesquieu: A Precursor of Emancipation?" In *L'antisémitisme éclaré: Inclusion et exclusion depuis l'époque des Lumières jusqu'à l'affaire Dreyfus*, edited by Ilana Y. Zinguer and Sam W. Bloom, 45–59. Leiden.

Aubery, Pierre. 1972. "Montesquieu et les juifs." *Studies on Voltaire and the Eighteenth Century*, no. 87: 78–99.

Auerbach, Erich. 2003. *Mimesis: The Representation of Reality in Western Literature*, trans. Willard R. Trask. Princeton, NJ.

Ayoun, Richard. 1997. *Les juifs de France de l'émancipation à l'intégration (1787–1812): Documents, bibliographie et annotations*. Paris.

Berkovitz, Jay R. 2004. *Rites and Passages: The Beginnings of Modern Jewish Culture in France, 1650–1860*. Philadelphia.

Ber[r]-Bing, Isaac. 1789. *Mémoire particulier pour la communauté des juifs établis à Metz*. In vol. 1 of *Archives parlementaires de 1787 à 1860*, 445–49. Paris.

Berr-Bing, Isaïe. [1787]. *Lettre . . . à l'auteur anonyme d'une écrit intitulé: Le cri du citoyen contre les juifs*. [Metz].

Bléville, Thomas de. 1714. *Le banquier françois*. Paris.

Boesche, Robert. 1990. "Fearing Monarchs and Merchants: Montesquieu's Two Theories of Despotism." *Western Political Science Quarterly* 43, no. 4: 741–61.

Bornier, Philippe. 1681. *Conférences des nouvelles ordonnances de Louis XIV*. 2 vols. Paris.

Braude, Benjamin. 2001. "The Myth of the Sephardi Economic Superman." In *Trading Cultures: The Worlds of Western Merchants*, edited by Jeremy Adelman and Stephen Aron, 165–94. Turnhout.

Cheney, Paul. 2010. *Revolutionary Commerce: Globalization and the French Monarchy*. Cambridge, MA.

Clark, Henry C. 2007. *Compass of Society: Commerce and Absolutism in Old-Regime France*. Lanham, MD.

Clay, Lauren R. 2015. "The Bourgeoisie, Capitalism, and the Origins of the French Revolution." In *The Oxford Handbook of the French Revolution*, edited by David Andress, 21–39. Oxford.

Cleirac, Estienne. 1647. *Us et coustumes de la mer*. Bordeaux.

Cloots, Anacharsis [Jean-Baptiste du Val-de-Grâce, baron de]. 1783. *Lettre sur les juifs*. Berlin.

Code de l'humanité, ou La législation universelle, naturelle, civile et politique. 1778. 13 vols. Yverdon.

Cotgrave, Randle. 1611. *Dictionarie of the French and English Tongues*. London.

Cotta, Alain. 1957. "Le développement économique dans la pensée de Montesquieu." *Revue d'histoire économique et sociale* 35, no. 4: 370–415.

Daltroff, Jean. 1993. *Le prêt d'argent des juifs de Basse-Alsace d'après les registres de notaires royaux strasbourgeois, 1750–1791*. Strasbourg.

Darnton, Robert. 1979. *The Business of Enlightenment: A Publishing History of the Encyclopédie, 1775–1800*. Cambridge, MA.

———. 2003. *George Washington's False Teeth: An Unconventional Guide to the Eighteenth Century*. New York.

Devletoglou, Nicos E. 1963. "Montesquieu and the Wealth of Nations." *Canadian Journal of Economics and Political Science* 29, no. 1: 1–25.

Published by Duke University Press

Dictionnaire de l'Académie française. 1694. Available online via the ARTFL Project. artfl-project.uchicago.edu/content/dictionnaires-dautrefois.

———. 1762. Available online via the ARTFL Projet. artfl-project.uchicago.edu/content/dictionnaires-dautrefois.

Dictionnaire universel françois et latin. 1704. Trévoux.

Diderot, Denis, and Jean Le Rond d'Alembert, eds. 1751–65. *Encyclopédie, ou Dictionnaire raisonné des sciences, des arts et des métiers*. 17 vols. Paris.

Dijn, Annelien de. 2008. *French Political Thought from Montesquieu to Tocqueville: Liberty in a Levelled Society?* Cambridge.

Dohm, Christian Wilhelm von. 1781–83. *Über die bürgerliche Verbesserung der Juden*. 2 vols. Berlin.

———. 1984 (1782). *De la réforme politique des juifs*, edited by Dominique Bourel, translated by Jean Bernoulli. Paris.

Dubin, Lois. 1999. *The Port Jews of Habsburg Trieste: Absolutist Politics and Enlightenment Culture*. Stanford, CA.

Dupuis de la Serra, Jacques. 1690. *L'art des lettres de change suivant l'usage des plus célèbres places de l'Europe*. Paris.

Emerigon, Balthazard-Marie. 1783. *Traité des assurances et des contrats à la grosse*. 2 vols. Marseille.

Eon de Beaumont, Charles Geneviève Louis Auguste André Timothée d'. 1774. *Les loisirs du Chevalier d'Eon de Beaumont*. 13 vols. Amsterdam.

Ettinger, Samuel. 1984. "The Economic Activities of the Jews" (in Hebrew). In *Jews in Economic Life: Collected Essays in Memory of Arkadius Kahan (1920–1982)*, edited by Nachum Gross, 13–24. Jerusalem.

Feuerwerker, David. 1976. *L'émancipation des juifs en France de l'Ancien Régime à la fin du Second Empire*. Paris.

Fischer, Friedrich Christoph Jonathan. 1785–92. *Geschichte des deutschen Handels*. 4 vols. Hannover.

Fleury, Claude. 1681. *Les moeurs des Israélites*. Paris.

Forbonnais, François Véron de. 1754. *Elémens du commerce*. 2 vols. Paris.

Force, Pierre. 2003. *Self-Interest before Adam Smith: A Genealogy of Economic Science*. Cambridge.

Furetière, Antoine. 1690. *Dictionnaire universel*. 3 vols. The Hague.

Gayot de Pitaval, François, ed. 1734–43. *Causes célèbres et intéressantes, avec les jugemens qui les ont décides*. 20 vols. Paris.

Ginzburg, Carlo. 2012. "Tolerance and Commerce: Auerbach Reads Voltaire." In *Threads and Traces: True False Fictive*, translated by Anne C. Tedeschi and John Tedeschi, 96–114. Berkeley, CA.

Gobain, Pierre. 1702. *Le commerce en son jour*. Bordeaux.

Gordon, Daniel. 1994. *Citizens without Sovereignty: Equality and Sociability in French Thought, 1670–1789*. Princeton, NJ.

Le grand vocabulaire françois . . . par une société de gens de lettres. 1767–74. 30 vols. Paris.

Grégoire, Henri. 1789. *Essai sur la régénération physique, morale et politique des juifs: Ouvrage couronné par la Société royale des sciences et des arts de Metz, le 23 août 1788*. Metz.

———. 1968 (1789). *Motion à faveur des juifs*. Paris. Repr. in vol. 7 of *La révolution française et l'émancipation des juifs*, n.p. Paris.

———. [1791]. *An Essay on the Physical, Moral, and Political Reformation of the Jews: A Work Crowned by the Royal Society of Arts and Sciences at Metz*. London.

Guyot, Joseph-Nicolas, ed. 1775–83. *Répertoire universel et raisonné de jurisprudence civile, criminelle, canonique et bénéficiale*. 64 vols. Paris.

Published by Duke University Press

Harris, Robert D. 1986. *Necker and the Revolution of 1789*. Lanham, MD.
Hermon-Belot, Rita. 2000. "The Abbé Grégoire's Program for the Jews: Social Reform and Spiritual Project." In *The Abbé Grégoire and His World*, edited by Jeremy D. Popkin and Richard H. Popkin, 13–26. Dordrecht.
———. 2000. *L'abbé Grégoire, la politique et la vérité*. Paris.
Hersch, I. H. 1907. "The French Revolution and the Emancipation of the Jews." *Jewish Quarterly Review* 19, no. 3: 540–65.
Hertzberg, Arthur. 1968. *The French Enlightenment and the Jews: The Origins of Modern Anti-Semitism*. New York.
Hirschman, Albert O. 1977. *The Passions and the Interests: Political Arguments for Capitalism before Its Triumph*. Princeton, NJ.
Hourwitz, Zalkind. 1968 (1789). *Apologie des juifs en réponse à la question: Est-il des moyens de rendre les juifs plus heureux et plus utiles en France?* Paris. Repr. in vol. 4 of *La révolution française et l'émancipation des juifs*, n.p. Paris.
Howse, Robert. 2005–6. "Montesquieu on Commerce, Conquest, War, and Peace." *Brooklyn Journal of International Law* 31, no. 3: 1–16.
Hunt, Lynn. 2013. "The Global Financial Origins of 1789." In *The French Revolution in Global Perspective*, 32–43. Ithaca, NY.
Israel, Jonathan. 1998. *European Jewry in the Age of Mercantilism, 1550–1750*. 3rd ed. Portland, OR.
———. 2006. *Enlightenment Contested: Philosophy, Modernity, and the Emancipation of Man, 1670–1752*. Oxford.
———. 2012. *Democratic Enlightenment: Philosophy, Revolution, and Human Rights, 1750–1790*. Oxford.
Karp, Jonathan. 2008. *The Politics of Jewish Commerce: Economic Thought and Emancipation in Europe, 1638–1848*. Cambridge.
Kriegel, Maurice. 1999. "Juifs." In *Dictionnaire raisonné de l'Occident médiéval*, edited by Jacques Le Goff and Jean-Claude Schmitt, 569–86. Paris.
Lacretelle, Pierre-Louis. 1775. *Plaidoyer pour Moyse May, Godechaux et Abraham Lévy, juifs de Metz*. Brussels.
———. 1823. "Mémoire pour deux juifs de Metz." In vol. 1 of *Oeuvres*, 213–35. Paris.
Larrère, Catherine. 2001. "Montesquieu on Economics and Commerce." In *Montesquieu's Science of Politics: Essays on "The Spirit of Laws,"* edited by David W. Carrithers, Michael A. Mosher, and Paul A. Rahe, 335–73. Lanham, MD.
Larue, Jean. 1747–58. *Bibliothèque des jeunes négociants*. 2 vols. Paris.
Latour-Foissac, Philippe-François de. 1786. *Le cri du citoyen contre les juifs de Metz par un capitaine d'infanterie*. Lausanne.
Leff, Lisa Moses. 2006. *Sacred Bonds of Solidarity: The Rise of Jewish Internationalism in Nineteenth-Century France*. Stanford, CA.
Lettre d'un Alsacien sur les juifs d'Alsace. 1790. Paris.
Liber, Maurice. 1989. *Les juifs et la convocation des Etats généraux (1789)*, edited by Roger Kohn and Gérard Nahon. Louvain-Paris.
Liberles, Robert. 1988. "Dohm's Treatise on the Jews: A Defence of the Enlightenment." *Leo Baeck Institute Yearbook* 33: 29–42.
Macfarlane, Alan. 2000. *Montesquieu and the Making of the Modern World: Of Liberty, Wealth, and Equality*. New York.
Malino, Frances. 1978. *The Sephardic Jews of Bordeaux: Assimilation and Emancipation in Revolutionary and Napoleonic France*. Tuscaloosa, AL.

Published by Duke University Press

———. 1981. "Zalkind Hourwitz, juif polonais." *Dix-huitième siècle* 13: 78–89.
———. 1996. *A Jew in the French Revolution: The Life of Zalkind Hourwitz*. Oxford.
Malvezin, Théophile. 1875. *Histoire des juifs à Bordeaux*. Bordeaux.
Manent, Pierre. 2001. *Cours familier de philosophie politique.* Paris.
Mathias de Saint-Jean, Père. 1646. *Le commerce honorable ou considerations politiques*. Nantes.
Mayer, Charles. 1784–87. *Voyages . . . en Suisse*. 2 vols. Amsterdam.
Melon, Jean-François. 1720. *Essai politique sur le commerce*. Paris.
Menkis, Richard. 1988. "The Gradis Family of Eighteenth Century Bordeaux: A Social and Economic Study." PhD diss., Brandeis University.
———. 1990. "Patriarchs and Patricians: The Gradis Family of Eighteenth-Century Bordeaux." In *From East and West: Jews in a Changing Europe, 1750–1870*, edited by Frances Malino and David Sorkin, 11–45. Oxford.
Meyer, Paul H. 1963. "The Attitude of the Enlightenment toward the Jews." *Studies on Voltaire and the Eighteenth Century* 26: 1161–1205.
Mirabeau, Honoré-Gabriel de Riquetti, comte de. 1787. *Dénonciation de l'agiotage à l'assemblée des notables*. N.p.
———. 1787. *Sur Moses Mendelssohn, sur la réforme politique des juifs*. London [Strasbourg?].
Mitchell, Harvey. 2008. *Voltaire's Jews and Modern Jewish Identity: Rethinking the Enlightenment*. London.
Montesquieu, Charles-Louis de Secondat, baron de La Brède and of. 1949. *The Spirit of the Laws*, translated by Thomas Nugent. 2 vols. New York.
———. 1965. *Considerations on the Causes of the Greatness of the Romans and Their Decline*, translated by David Lowenthal. New York.
———. 1973. *De l'esprit des lois*, edited by Robert Derathé. 2 vols. Paris.
———. 1989. *The Spirit of the Laws*, edited and translated by Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone. Cambridge.
———. 1991. *Pensées, Le Spicilège*, with notes, bibliography, and index by Louis Degraves. Paris.
———. 2008. *Persian Letters*, translated by Margaret Mauldon. Oxford.
———. 2012. *My Thoughts (Mes Pensées)*, edited and translated by Henry C. Clark. Indianapolis, IN.
Morilhat, Claude. 1996. *Montesquieu: Politique et richesses*. Paris.
Moulinier, Jean. 1704. *Le grand trésor des marchands*. Bordeaux.
Muller, Jerry Z. 2001. *Capitalism and the Jews*. Princeton, NJ.
Nahon, Gérard. 1980. "Séfarades et ashkenazes en France: La conquête de l'émancipation (1789–1791)." In *Les juifs dans l'histoire de France*, edited by Myriam Yardeni, 9–145. Leiden.
———. [2003]. *Juifs et judaïsme à Bordeaux*. Bordeaux.
Nicodème, Paul-Joseph. 1776. *Exercice des commerçans*. Paris.
Nirenberg, David. 2013. *Anti-Judaism: The Western Tradition*. New York.
Origny, Antoine Jean Baptiste Abraham d', ed. 1777. *Dictionnaire des origines*. 6 vols. Paris.
Paganucci, Jean. 1762. *Manuel historique, géographique et politique des négocians*. 3 vols. Lyon.
Pangle, Thomas L. 1973. *Montesquieu's Philosophy of Liberalism: A Commentary on "The Spirit of the Laws."* Chicago.
Passeri, Niccolò. 1611. *De scriptura privata tractatus nouus plenissimus*. Venice.
Péreire, Jacob Rodrigues. 1765. *Recueil de lettres patentes et autres pièces en faveur des juifs portugais concernant leurs privilèges en France*. Paris.
Perrot, Jean-Claude. 1992. *Une histoire intellectuelle de l'économie politique, XVIIe–XVIIIe siècle*. Paris.

Published by Duke University Press

Pii, Eluggero. 1998. "Montesquieu e l'*esprit de commerce*." In *Leggere l'"Esprit des lois": Stato, società e storia nel pensiero di Montesquieu*, edited by Domenico Felice, 165–202. Naples.

Pinto, Isaac. 1771. *Traité de la circulation et du crédit*. Amsterdam.

Pothier, Robert Joseph. 1763. *Traité du contrat de change: De la négociation qui se fait par la lettre de change, des billets de change, et autres billets de commerce*. Paris.

———. 1810. *Traité du contrat d'assurance . . . avec un discours préliminaire, des notes et un supplément, par Estrangin*. Marseille.

Rahe, Paul A. 2009. *Montesquieu and the Logic of Liberty: War, Religion, Commerce, Climate, Terrain, Technology, Uneasiness of Mind, the Spirit of Political Vigilance, and the Foundations of the Modern Republic*. New Haven, CT.

Ravid, Benjamin. 1982. "'How Profitable the Nation of the Jewes Are': The *Humble Addresses* of Menasseh ben Israel and the *Discorso* of Simone Luzzatto." In *Mystics, Philosophers, and Politicians: Essays in Jewish Intellectual History in Honor of Alexander Altmann*, edited by Jehuda Rainharz and Daniel Swetschinski, 159–80. Durham, NC.

Raynal, Guillaume-Thomas. 1770. *Histoire philosophique et politique des établissemens et du commerce des européens dans les deux Indes*. 6 vols. Amsterdam.

La Révolution française et l'émancipation des juifs. 1968. 8 vols. Paris.

Ricard, Samuel. 1700. *Traité général du commerce*. Amsterdam.

Richter, Melvin. 1977. *The Political Theory of Montesquieu*. Cambridge.

Robinet, Jean-Baptiste-René, et al., eds. 1777–83. *Dictionnaire universel des sciences morale, économique, politique et diplomatique, ou Bibliothèque de l'homme-d'état et du citoyen*. 30 vols. Paris.

Roover, Raymond de. 1953. *L'évolution de la lettre de change, XIVe–XVIIIe siècles*. Paris.

Rousselot de Surgy, Jacques-Philibert, ed. 1784–87. *Encyclopédie méthodique: Finances*. 3 vols. Paris.

Roux, Augustin, et al., eds. 1762–64. *Dictionnaire domestique portatif*. 3 vols. Paris.

Rowlands, Guy. 2015. *Dangerous and Dishonest Men: The International Bankers of Louis XIV's France*. New York.

Savary, Jacques. 1675. *Le parfait négociant*. Paris.

———. 1688. *Parères*. Paris.

Savary des Brûlons, Jacques, and Philémon-Luis Savary. 1723–30. *Dictionnaire universel de commerce*. 3 vols. Paris.

Schaub, Diana J. 1995. *Erotic Liberalism: Women and Revolution in Montesquieu's "Persian Letters."* Lanham, MD.

Schechter, Ronald. 2003. *Obstinate Hebrews: Representations of Jews in France, 1715–1815*. Berkeley, CA.

Schlereth, Thomas J. 1977. *The Cosmopolitan Ideal in Enlightenment Thought: Its Form and Function in the Ideas of Franklin, Hume and Voltaire, 1694–1790*. Notre Dame, IN.

Sepinwall, Alyssa Goldstein. 2005. *The Abbé Grégoire and the French Revolution: The Making of Modern Universalism*. Berkeley, CA.

———. 2011. "A Friend of the Jews? The Abbé Grégoire and Philosemitism in Revolutionary France." In *Philosemitism in History*, edited by Jonathan Karp and Adam Sutcliffe, 111–27. Cambridge.

Shovlin, John. 2006. *The Political Economy of Virtue: Luxury, Patriotism, and the Origins of the French Revolution*. Ithaca, NY.

Smith, Steven. 1997. *Spinoza, Liberalism, and the Question of Jewish Identity*. New Haven, CT.

Sorkin, David. 1996. *Moses Mendelssohn and the Religious Enlightenment*. Berkeley, CA.

———. 1999. "The Port Jew: Notes towards a Social Type." *Journal of Jewish Studies* 50, no. 1: 87–97.

Published by Duke University Press

———. 2002. "Port Jews and the Three Regions of Emancipation." In *Port Jews: Jewish Communities in Cosmopolitan Maritime Trading Centres, 1550–1950*, edited by David Cesarani, 15–46. London.

———. 2008. *The Religious Enlightenment: Protestants, Jews, and Catholics from London to Vienna*. Princeton, NJ.

Spector, Céline. 2004. *Montesquieu: Pouvoir, richesses et sociétés*. Paris.

———. 2006. *Montesquieu et l'émergence de l'économie politique.* Paris.

———. 2012. "Was Montesquieu Liberal? The *Spirit of the Laws* in the History of Liberalism." In *French Liberalism from Montesquieu to the Present Day*, edited by Raf Geenens and Helena Rosenblatt, 57–72. Cambridge.

Stow, Kenneth. 2016. *Anna and Tranquillo: Catholic Anxiety and Jewish Protest in an Age of Revolutions*. New Haven, CT.

Stypmann, Franz. 1661. *Tractatus de jure maritimo et nautico*. Stralsund.

Sutcliffe, Adam. 2003. *Judaism and Enlightenment*. Cambridge.

———. 2010. "The Enlightenment, French Revolution, Napoleon." In *Antisemitism: A History*, edited by Albert S. Lindemann and Richard S. Levy, 107–20. Oxford.

———. 2011. "The Philosemitic Moment? Judaism and Republicanism in Seventeenth-Century European Thought." In *Philosemitism in History*, edited by Jonathan Karp and Adam Sutcliffe, 67–89. Cambridge.

Szajkowski, Zosa. 1959. "Alsatian Jewish Inventories in the Hebrew Union College Library." *Studies in Bibliography and Booklore* 4, no. 2: 96–99.

———. 1970. *Jews and the French Revolutions of 1789, 1830, and 1848*. New York.

Terjanian, Anoush Fraser. 2012. *Commerce and Its Discontents in Eighteenth-Century French Political Thought*. Cambridge.

Thiéry, Claude-Antonie. 1788. *Dissertation sur cette question: Est-il des moyens de rendre les juifs plus heureux et plus utiles en France? Moyens de rendre les juifs plus heureux et plus utiles*. Paris.

Todeschini, Giacomo. 2002. *I mercanti e il tempio: La società cristiana e il circolo virtuoso della ricchezza fra Medioevo ed età moderna*. Bologna.

Toubeau, Jean. 1682. *Les institutes du droit consulaire*. Paris.

Trivellato, Francesca. 2012. "Credit, Honor, and the Early Modern French Legend of the Jewish Invention of Bills of Exchange." *Journal of Modern History* 84, no. 2: 289–334.

———. 2014. "La naissance d'une légende: Juifs et finance dans l'imaginaire bordelais du XVIIe siècle." *Archives juives* 47, no. 2: 47–76.

Valin, René-Josué. 1760. *Nouveau commentaire sur l'ordonnance de la marine, du mois d'août 1681*. 2 vols. La Rochelle.

Vallabrègue, Israël Barnard de. 1767. *Lettre ou réflexions d'un milord*. London.

Vardi, Liana. 2012. *The Physiocrats and the World of the Enlightenment*. Cambridge.

Voltaire. 1789. *Dictionnaire philosophique*. 8 vols. Amsterdam.

———. 1986. *Lettres philosophiques*, edited by Frédéric Deloffre. Paris.

Weiss, Gillian. 2011. *Captives and Corsairs: France and Slavery in the Early Modern Mediterranean*. Stanford, CA.

Published by Duke University Press

6

The Bassanos at the Court of Henry VIII

A Story of Cooperation and Protection

DONGMYUNG AHN

In 1290, the Jewish community was expelled from England and not officially readmitted until 1606, yet in the 1520s and 1530s, Henry VIII initiated two important cultural exchanges with Venetian Jews. The first, his consultation of Venetian rabbis about his divorce from Catherine of Aragon, is well known.[1] The second was his invitation to a Venetian Jewish wind-instrument family, the Bassanos, to join his court in the 1530s. In this chapter, I consider the Bassanos' move to England through the lens of an intriguing story of interfaith friendship that took place in England in 1539, related in the second edition of John Foxe's *Acts and Monuments* (1570).

Just as this friendship between a Jewish child and a Christian child in Foxe's story ostensibly promotes a message of tolerance, I argue that Henry's patronage of the Bassanos could also have been received as a message of tolerance, even if a self-serving one, because he seemingly sidestepped religious differences and protocol in his desire to elevate the musical aspect of the court. John Foxe's work, also known as the *Book of Martyrs*, becomes a useful tool for understanding the religious implications of this musical event. Ultimately, I propose that Foxe's story can be interpreted as a parable for the relationship between Henry VIII and the Bassanos, an interpretation that can illuminate the musical, political, and religious significance of their partnership.

Foxe's very brief story, which claims to recount events that took place in England in 1539, follows a Jewish child and a Christian child, "playfellow[s],"

into a church and up to the altar.[2] At the altar, they happen on an instance of transubstantiation: however, rather than the traditional bread and wine becoming the body and blood of Christ, they see a child "broken and torn in pieces . . . to be distributed among the people." Upon hearing that the Jewish boy witnessed transubstantiation, the Christian townspeople burn his house down. Miraculously, the boy survives, without even a single strand of singed hair. He claims it is because the mother of the child from the altar protected him. Set against this backdrop of transubstantiation (which, as I will argue, may be understood as an allegory for the Bassanos' creative process), I propose that the characters and scenario of the story can be useful models for understanding the relationships between the figures in the Bassano–Henry VIII story. By analyzing the story according to three methods of biblical exegesis—historical (literal), tropological (moral), and allegorical—I seek to demonstrate how this story indeed can function as a parable for the Bassanos and Henry VIII.

The details of Henry's invitation to the Bassanos have been explored by scholars such as Roger Prior, David Lasocki, and Alessio Ruffatti, but I propose that the invitation's significance has yet to be fully understood in its religious, political, cultural, and musical contexts.[3] I will weave the Bassanos' story into the general history of Jews in England and Italy in order to give religious and economic context to the Bassanos' decision to leave Venice for England, allowing for the application of the Foxe story to this event.[4]

THE JEWS OF VENICE AND THE BASSANO FAMILY

In the past, some doubt has been cast on the Bassanos' status as Jews. However, David Lasocki and Roger Prior have provided ample circumstantial evidence to suggest that they were indeed Jewish, even if their professional obligations at the Scuola di San Marco required them to conceal their religion and live as Christians in Venice rather than as Jews in the ghetto.[5] Though it was common for working-class Christians to take the name of their town as their surname (the Bassanos were from the town of Bassano), Lasocki and Prior point out that the surname Bassano was associated with rabbis in many cities of Italy.[6] That the Bassanos married Jews is also a strong indicator of their Jewishness: Alvise, son of the family patriarch, had a daughter who married the younger son of Ambrose Lupo, the Spanish Iberian viol player

whose Jewish name was Almaliach, while Jacomo and Anthony I Bassano married sisters whose surname was Nasi, a Sephardic family name.[7] Lasocki and Prior also note that the Bassanos' coat of arms—three silkworm moths and a mulberry tree—suggests that the family was connected to Jewish silk farming at one point in their family history.[8] According to Lasocki, the Bassanos' banishment from Bassano del Grappa (presumably for being Jewish) during the War of the League of Cambrai left them essentially as exiles in Venice, thus implying that they "had less to lose from the move to England."[9] Moreover, Prior and Lasocki postulate that "their readiness to conform with whatever society they happened to be in [Catholics in Venice and Protestants in England] agrees with the hypothesis that the family was at some stage Jewish."[10] For Jews living in hostile environments, the tendency to take on the religion or culture of their adopted country would not have been unusual.

What could life have been like for a Jew in Venice in the sixteenth century? On the cultural front, on April 11, 1443, Jewish schools for singing, instrument playing, dancing, and drawing were prohibited in Venice, and anyone who broke this law was subject to a fine of 500 ducats and six months in jail.[11] At the same time, Robert Bonfil notes that Jewish dancing masters were prevalent during this period and would have served both Jewish and Christian communities.[12] While Jews were permitted to reside in Venice, their residency was accompanied by a myriad of restrictions. For instance, in 1496, legislation by the Venetian Senate adjusted an earlier dress code that required Jews to wear yellow signs on their chests to a more prominent requirement—the wearing of *berete* or yellow head coverings in the summer and winter months. This was to prevent them from circumventing the earlier legislation and to make their otherness much more apparent to Venetians.[13] Though Venice allowed Jews to "stay, dwell, leave, and return as they wished," restrictions were placed on synagogue worship.[14] These kinds of restrictions could have driven Jews to a reclusive existence, at least religiously.[15]

On the other hand, Jews' occupation as moneylenders had protected them, to a certain degree, from being shut out from Venetian society. But these privileges did not protect them from intensifying persecution. Proposals to set up Christian banks—*monti di pietà*—that would replace Jewish moneylenders were intended to restrict contact between Jews and

Christians. Apparently, they were spearheaded by the rhetoric of Franciscan friars; as Bonfil notes, these friars dwelled on the "rhetorical image of the blood sucked by Jewish moneylenders."[16] In a sermon by friar Bernardino of Siena (1380–1444), Jews were cast as "leeches who ask for nothing better than the opportunity to devour an ailing member, whose blood they suck with insatiable ardor."[17] However, while monti di pietà were established in other cities in Italy, they developed less of a stronghold in Venice. Instead, as Brian Pullan notes, Jewish moneylenders were forced to charge extremely low interest rates, making it difficult for them to earn a living from this profession at all: "Incapable of making a profit if they observed the rules, the Jewish banks offered a public service that was, in effect, a fiscal burden laid on the Jewish community."[18]

Politically, by 1516, Venice had suffered a number of disappointing defeats in the War of the League of Cambrai. Complaints against the Jews escalated during this period: Franciscan friars "assaulted the alien minority with accusations of blasphemy, treachery, and hereditary guilt."[19] The city had become particularly vulnerable, as Brescia and Verona had fallen to Emperor Maximillian. Because the Venetian mentality was such that "military encounters . . . were framed by eschatology," Robert Finlay argues that the ghetto's "segregation of the Jews . . . was an attempt to regain God's favor at a critical time by expiating a sin."[20] On March 29, 1516, the Senate passed legislation approving the foundation of the Venetian ghetto.[21] A sermon given at the Basilica of San Marco on March 31, 1516, stated that "if the government acted against the sins of the city, the foremost of which was the freedom of the Jews, then 'God will prosper this Republic against its enemies.'"[22] Finlay theorizes that Maximillian's retreat from Milan two days later was interpreted as sign of God's intervention.[23]

On the other hand, Robert Bonfil argues for a more nuanced interpretation of the ghetto as a "halfway house between acceptance and expulsion" that "led to the crystallization of the Jewish presence within the city's topography."[24] He theorizes that the Jews did not leave the city en masse after the establishment of the ghetto because it was a place of tolerance. As he argues, "The overall attitude towards the Jews was in fact far more liberal during the period of the ghettos than it had been before. Accusations of ritual murder disappeared almost completely and the frequency of attacks and pogroms declined markedly, as did the tendency to expel the Jews."[25]

In fact, these two readings are compatible; as Bonfil writes, "Did not the continued presence of the Jews in the bosom of the Christian world present itself as necessary to the spiritual economy of Christianity?"[26] The continued Jewish presence in a Christian-dominated environment provided a "foil to Christian . . . spiritual wealth."[27]

If life in Venice was indeed tolerable, albeit troubled, for the Jews, what other factors could have contributed to the Bassanos' move to England? After all, Jews were not officially permitted to reside in Tudor England, making the Bassanos' move to England particularly dependent on royal patronage and protection. Alessio Ruffatti has claimed that the superiority of economic circumstances and working conditions at the royal court in England to those at the Scuola di San Marco of Venice, where the Bassanos had been employed, could have contributed to their decision to leave.[28]

These difficult economic circumstances are reflected in the documentation concerning their employment in Venice. The Bassanos are found in Venetian records as early as 1512. Jeronimo Bassano, the patriarch of the family, is known to have played trombone for the Doge's *trombe e piffari* in 1512; his name is also found among musicians for the Mariegole of the Scuola della Misericordia.[29] The first record of a Bassano in service at the Scuola di San Marco (1515) is Jeronimo's son, Alvise, in the Notatorio. This entry describes the role the trumpets and shawms played in processions and the mass:

> (Reg. 17, Notatorio, 1498–1530)
> In the procession is carried, as was said, the aforesaid most Holy Wood under a small canopy with the umbrella, illumined by candles and accompanied by our singers, as far as the great altar of the said church. . . . The aforesaid Guardian and companions have resolved that whenever the said procession is done according to the forms written above, the above named singers must sing, accompanied by the trumpets and shawms. They must play at the going from the Scuola and at the returning at this solemnity, and also at all of the mass. Not only the trumpets and shawms, but also the flutes and cornets [must play]. The said trumpets and shawms must have for every such occasion 2 small lire, that is at the rate of 4 ducats a year. Thus we are in accord with the aforesaid players, who promise to attend, and not be absent, and do their duty.
>
> The trumpets and shawms are the following:
> Ser Bernardin son of Ser Bortolomeo, piffaro of the Serenissimo
> Ser Gasparo son of Ser Bernardo da Toregni
> Ser Alvise da Bassan di maestro Jeronimo
> Ser Yipolito de Ser Salvador[30]

Alvise's name is also found in membership lists of the Scuola di San Marco, as part of the Doge's trombe e piffari.[31] He served, too, in the Concerto Palatino in Bologna in 1519–1520.[32]

Players in these ensembles were not employed on a full-time basis, and Ruffatti suggests that this inconsistent employment and the resulting low morale probably factored into the Bassanos' decision to leave Venice.[33] In the period from 1526 to 1534, right around the time when the Bassanos were considering their move to England, the Scuola di San Marco experienced a period of acute financial difficulty. A document arguing for restricted hiring of trumpets and shawms testifies to the low regard the Scuola had for wind players, at least in those lean times:

> (Reg. 19, Notatorio 3, 1526–1538)
> We find in our Scuola many expenses that are superfluous and of little value to the Scuola, such as the trumpets and shawms, that misser Vetor Ziliol, during his first term as Guardian, chose for the first Sundays of the month only, with an expense of 4 ducats a year . . . such expense for *cantadori solenni* is superfluous to the Scuola, because in times of procession, for 2½ ducats per occasion, we can have three singers alongside Lorenzo who will do the same as was done by those salaried permanently and perhaps better. . . . In that way we will come to save 16 ducats in singers and 4 ducats in instrumentalists, that in all makes 20 ducats a year, which is something certainly to do, especially in these evil times that we now find ourselves in.[34]

Given this information, perhaps it should not be surprising that despite being "esteemed above all," the Bassanos were poor and needed funds to complete their journey to England. This was noted in a letter to Thomas Cromwell from Edmund Harvell, the English ambassador to Venice who arranged for their passageway.[35] It is also telling that Harvell comments that the Bassanos left Venice without waiting for permission. Had working conditions and remuneration in Venice been favorable, would the Bassanos have made such a hasty departure?[36] Perhaps it was also a curiosity that compelled the Bassanos to set off for England, similar to the curiosity that compelled the Jewish boy in Foxe's story to dare accompany his Christian friend to a church.

THE STATUS OF JEWS IN ENGLAND

What kind of religious and cultural environment would Jews have found in sixteenth-century England? The well-documented inclusion of anti-Jewish

stories in John Foxe's *Book of Martyrs* demonstrates the desire to perpetuate and solidify anti-Jewish sentiment within the Protestant martyrology, pointing to the potential that the Bassanos faced a hostile climate working at the English court, with royal protection or without it. Foxe's inclusion of four anti-Jewish stories that predate the Jews' expulsion from England testify to the history of anti-Jewish sentiment in England. The first story, dating from 1189, tells of the discovery of a false conversion of a Jew.[37] This discovery led to such hatred among the English that house burnings and general destruction of Jewish property ensued. As a result, fifteen hundred Jews took refuge in a castle and, seeing "no other remedy," took part in mass suicide.[38] Foxe's anti-Jewish sentiments are displayed in his justification of the event: he writes that "neither was this plague of theirs undeserved; for every year commonly their custom was, to get some Christian man's child from the parents, and on Good Friday to crucify him, in despite of our religion."[39] The next two stories involve children. The first, from 1235, tells of the circumcision and detention of a child by Jews in Norwich, in the aftermath of which eighteen Jews were hanged.[40] The second recounts a story of a nine-year-old child named Hugo who was crucified and left in a pit.[41] The thirty "abominable" Jews held responsible were executed. Finally, a story dating to 1257 that tells of a "wretched superstitious" Jew who fell into a privy and who "for the great reverence he had to his holy sabbath, would not suffer himself to be plucked out" conveys Foxe's prejudices against Jewish legalism.[42] The Jew in that story was found dead on Monday. In her analysis of this story, Sharon Achinstein comments that "with a whiff of *foetor judaicus*, this passage makes a strong correlation between Jew and excrement, pointing to the sewer as the place where a Jew can be found."[43] These stories display a general anti-Jewish bias that, as I will show, contrasts sharply with the story of the friendship between the Jewish and Christian children that Foxe recounts.

The expulsion of Jews from England commenced on July 18, 1290. They were given until November 1, 1290, to leave England. The Statutum de Judaismo (1275) had already forbidden Jews (and Christians) from practicing usury, one of the primary sources of income for Jews, as well as one of the few professional paths open to them, so this extreme measure of expulsion indicates the English escalation against Jews.[44] Their subsequent absence in England is reflected in Foxe's *Book of Martyrs*, which lacks stories of Jews from 1290 until the Tudor era.

Some Jews migrated to England in the late fifteenth century when Ferdinand and Isabella expelled Jews from Spain. As Cecil Roth noted, this migration created a small refugee crisis in England as Marranos—"crypto Jews who, under an outward guise of Catholicism, remained faithful at heart to the religion of their fathers"—made their way there.[45] A Marrano community in London discovered by one Gracia, widow of Francisco Mendes (a prominent pepper merchant), in 1535 on her way to Antwerp was eventually persecuted by the Inquisition in the early 1540s for false Christianity. Records from the Milan Commission of 1540 reflect the presence of sixty-nine Marrano Jews in England—including physicians; a merchant who was "a tall Jew with one eye, a master of Hebrew theology"; a perfumer with a wife and six children; and one who maintained a synagogue in his home.[46] Not all investigations into suspected Marranos revealed false Christianity, though. An account from the Acts of the Privy Council from 1545 to 1546 relates an incident of a Portuguese man by the name of Henry Alvaros who was examined to verify his Christian faith. In the end, after it was determined that he was of "Christes profession and no Jewe," Alvaros's goods and money were restored.[47]

Why would the Bassanos want to relocate to a place where Jews were not openly or legally welcomed? Could it be their status as exiles in Venice that drove them to England, as David Lasocki posits? Or was it the unique situation of a monarch willing to protect the musicians just as the mother in the Foxe story protects the Jewish boy from the flames of anti-Judaism? Perhaps Henry VIII's interaction with Venetian rabbis concerning his divorce reveals that he, at least, had an open, though solipsistic, attitude toward Jews.[48] In 1527, Henry VIII's request for a divorce from Catherine of Aragon, his late brother's widow, was rejected by Pope Clement VII. Henry decided to consult Venetian rabbis to support his claim that the Leviticus 20:21 passage—"He that marrieth his brother's wife, doth an unlawful thing: he hath uncovered his brother's nakedness"—would release him from any marital obligation to Catherine. (While this biblical passage refers to cases in which the brother is alive, Henry applied it to his own situation.) Another passage in question, Deuteronomy 25:5–6, presents the opposite position and hence the debate: "When brethren dwell together, and one of them dieth without children, the wife of the deceased shall not marry to another; but his brother shall take her, and raise up seed for his brother." In a letter from John Casale to the duke of Norfolk on April 5, 1530, Casale assures the duke that "we shall have many of

our side, and two Jews, to one of whom Croke has already spoken, and the other is my great friend, who translated for the Pope and the bishop of Verona certain parts of the Old Testament from Hebrew to Latin."[49] These two Jews were Elijah Menahem Halfan, an Italian rabbi and physician, and Marco Raphael, a Venetian convert to Christianity. Both agreed that the passage in Leviticus trumped the passage in Deuteronomy. But by October 1530, further controversy ensued over the Levitical stipulations in Jewish circles. Miguel Mai, imperial ambassador, wrote to Emperor Charles V in a letter on October 2, 1530, that a Jew in Rome had been "obliged to take the widow of his brother, who had died without children—a thing which is not only not prohibited, but actually enjoined by their law."[50] Even as Henry VIII's hopes of convincing Rome of the dissolution of his marriage weakened, Marco Raphael continued to advise the king. Ultimately, though Henry VIII's appeal to the Venetian rabbis was not successful, his willingness to work with Jews is notable when considered within the anti-Jewish climate of England.

It should be noted that Edmund Harvell, the ambassador who was instrumental in granting the Bassanos' passage to England, was also tangentially involved in this endeavor of Jewish-Christian cooperation. He furthered Henry's campaign for his divorce through the raising of funds from the University of Padua.[51] Perhaps his involvement in this situation and the Bassanos' situation suggests his amenability not only to cross-cultural interactions (obviously as the English ambassador to Venice) but also to interfaith interactions.

Another incident that could also be seen as evidence of Henry VIII's advocacy for Jews, even if only for self-serving and convenient reasons, is his defense of Diego Mendes. Mendes was a Marrano from Portugal, the brother-in-law of Gracia Mendes, who resettled his pepper trade business in Antwerp in 1512 after being expelled from Portugal. He was charged by the Inquisition with Judaizing.[52] Henry VIII's intervention in Mendes's case may have only been because Mendes was involved in loan transactions for the English treasury, yet his efforts seem unusual and point again to his engagement with Jews, albeit for personal gain.

ENGLISH COURT MUSICIANS

While wind players were undervalued in Venice, life as a court wind musician in England appears to have been stable and profitable. Victor Coelho

and Keith Polk note that "an essential feature of English court music [was] that it was part of a large bureaucratic machine that tended to grind away on its own regardless of changes at the top," indicating that players at the bottom of the food chain, the Bassanos among them, could have expected their positions to be retained through regime changes.[53] Eileen Pearsall notes that "Tudor trumpeters were appointed for life," and there is nothing in the court records indicating otherwise for other players.[54] Thus, it appears that, economically, life as a court musician in England could be auspicious.

A group of Flemish sackbut players appears in the English court records starting in 1516, yet they gradually disappeared starting in around 1531. This suggests that room was being made for the Bassanos.[55] Two documents place the Bassanos in England in 1531: the first is a payment in September of that year to "a sackbut consort + Loyses de Jeronom" and Jasper and John "de Jeronimo," and the second is a payment in November to "Antony the Sagbut" for his trip to Southampton with new sagbuttes.[56] David Lasocki notes that the duration of the Bassanos' initial stay is unclear.[57] It was their second foray into England in 1539—a stay that included all four Bassano brothers—that was more celebrated and lasting. While Lasocki argues that the Bassanos were part of a recorder consort, Coelho and Polk posit that they were "omnibus musicians, capable of performing on a variety of instruments as desired, including bowed strings."[58] In any case, their presence—even celebrity—in a country that had formally expelled the Jews centuries earlier is noteworthy and curious, and, I argue, it cannot be adequately explained through economic pressures alone. Here, a new interpretation of this historical event becomes possible through reference to the story of interfaith tolerance recounted by John Foxe.

JOHN FOXE'S *ACTS AND MONUMENTS* AND THE ALLEGORY OF THE BASSANOS AND HENRY VIII

I propose to read the story from Foxe's *Book of Martyrs* as an allegory for the Bassanos in the court of Henry VIII. In this allegory, the Bassanos are protagonists, but the figure of Henry VIII and the context of Tudor England loom large. Superimposed onto the story's Jewish-Christian binary are the Protestant-Catholic tensions that characterized sixteenth-century England, a layer that can complicate the understanding of the parabolic story but that I will untangle in my exegetical reading.

The Protestant bias on which Foxe's work is based is established in his preface, where he condemns papists, calling them "persecutors of God's truth" whose "handy work" sought "so many silly, simple lambs of Christ . . . whose bodies you have slain, racked, and tormented."[59] John Foxe was steeped in Reformation theology from his years at Oxford. According to the Reverend George Townsend's *Life of the Martyrologist* (1841), Foxe had suffered much as a student at Oxford because of the passing of the Act of the Six Articles (what Foxe calls the "Whip of Six Strings"), legislation passed during Henry VIII's reign (1539) that advanced Catholicism; its first article mandated transubstantiation. Townsend recounts Foxe's response to this:

> A visible change had come over John Foxe. He was not the man to conceal his convictions and his emotions. Spies and informers were ready to seize upon any peculiarities in his behaviour. . . . He soon found that if he followed his convictions, he should suffer persecution. He never wavered, however, but passed through a conflict, which served only to deepen and strengthen his Christian character. . . . The dogma of transubstantiation and the idolatry of the mass having become odious to him, he avoided attendance as much as possible both at the College chapel and at the University Church.[60]

By the 1550s, Foxe left England to escape Catholic dogma. He began work on the *Acts and Monuments* in Basel on the urging of Grindal, one of Bishop Ridley's chaplains (Ridley was later burned at the stake during the Marian persecutions). The book, a compendium of stories of Christian martyrs from the early church to the present time, was first printed in Latin in 1554; the first English printing was in 1563. Townsend characterizes this work as the "last book which was commanded by the sovereign, sanctioned by the bishops, and ordered by a canon of the Anglican Convocation to be placed in the hall of every episcopal palace in the land."[61] Foxe himself equated his martyrology with that of the histories found in the Bible—Judges, King, Maccabees, Acts—pleading, "May it redound to no small use in the church, to know the acts of Christ's martyrs now, since the time of the apostles."[62]

Included in this martyrology is the unusual story of interfaith friendship.[63] This extraordinary instance of Jewish-Christian cooperation may have been subsidiary to the Protestant-Catholic tensions inherent in this work. John Foxe characterizes the story as one of the "lying miracles of transubstantiation," suggesting that Foxe intended the story to disabuse the reader of the notion of transubstantiation. He included it in a section

titled "Allegations against the Six Articles," following Elfric's tenth-century sermon against transubstantiation and a synopsis of eleventh-century councils against Berengarius, who was called a heretic for his stance against transubstantiation.

What was a "lying miracle"? In sixteenth-century Protestant Christianity, saintly miracles, past and present, were reexamined, reassessed, and reinterpreted as "fraud, sleight of hand, or diabolical manipulation" in order to claim that the Roman church, in fact, was the false church.[64] William Tyndale, a leading sixteenth-century Protestant theologian, quotes from scripture to argue for this perspective on miracles, equating "lying miracles and wonders" with the Antichrist as Saint Paul does in 2 Thessalonians 2.[65] Tyndale also paraphrases Matthew 24:24 to state that even the "very elect" can be led astray by these "lying miracles."[66] This disbelief in miracles bled over into the question of transubstantiation during the Eucharist.[67] Tyndale accuses Thomas More, the Catholic apologist who was executed for refusing to pledge allegiance to Henry VIII, of "mischief and pernicious perverting of God's holy word" for taking Jesus literally at his word in John 6:55 ("He that eateth my flesh and drinketh my blood hath everlasting life").[68] An example of a "fayninge and counterfeyting . . . miracle" that Protestants relished was the story of a priest in 1545 at Paul's Cross who "pricked his finger, that the bloude dropped on the corporasse and aulter, so that he woulde have made men beleve that the hoste of the body of Christe, by him consecrated, had bledde."[69]

I will apply three of the four senses of biblical exegesis—historical, tropological, and allegorical—in order to understand the light that they shed on the curious history of the Bassanos and Henry VIII and how they bring the Jewish-Christian exchange to the foreground. I begin with the historical or literal sense. In this story, a Jewish boy and a Christian boy enter a church. We may deduce that the Christian boy was Catholic, since the story, for Foxe, is an indictment of transubstantiation. Foxe describes the two boys as "playfellow[s]," though the veracity of this scenario seems highly unlikely given that Jews were not readmitted to England until 1606. While Foxe's characterization of the boys' relationship could, perhaps, be understood as a utopian gesture, I suggest that the alliance of Catholics and Jews should not be surprising, as both were considered opponents to the Protestant faith. Sharon Achinstein concludes that Foxe's treatment of Jews and Catholics in the *Acts and Monuments* accuses both of excessive ceremonialism and

concern with law over faith.[70] From Foxe's perspective, however, the boys' friendship could simply have been part of the "lying" aspect of the story.

While this story features a Christian boy leading an apparently curious and willing Jewish boy into a church, in reality, Christian scholars have sought out Jewish texts and spirituality since the Middle Ages. Known as Christian Hebraism, this type of inquiry uses the Jewish language and culture as a conduit for the deepening of the Christian's faith. In some cases, it has led to conversion. Christian Hebraism's influence has also been felt in the gradual "minimizing [of] the role of Christ in the redemptive process," ultimately promoting "a more tolerant and open version of Christianity that blurred the boundaries between Catholics and Protestants, and between Christians and Jews."[71]

Christian scholars have also sought out Jewish scholars in matters outside religion. For instance, in the fifteenth century, Venetian scholar Marco Lippomano's inquiry of Rabbi Isaac ha-Kohen about Arabic grammar is an example of this kind of Jewish-Christian exchange.[72] While their religious differences are clear—Rabbi Isaac is referred to as "the Jew" and Lippomano as the "uncircumcised" in two of the manuscripts of the Hebrew letter—their spirit of collaboration is undeniable.[73] The letter's final benediction from Rabbi Isaac to Lippomano—"may [God] place you upon the seat of the exalted"—according to Daniel Stein Kokin, "reflects clear awareness of Lippomano's political career and ambition."[74] It is also evidence that this relationship was, at the very least, cordial.

Foxe relates that the two boys go to the altar and see a "little child broken and torn in pieces . . . to be distributed among the people." There is no mention of priests, congregation, or liturgy. But it still appears that the two boys witnessed some element of transubstantiation, with Christ himself taking the form of a child. That this miracle occurred outside the sanctity of the mass perhaps compounds its "lying" miraculousness. Upon telling his father what he saw, the Jewish boy is condemned to be burned by the townspeople (Foxe does not relate how the townspeople discovered the news). The townspeople's anti-Jewish response seems like the most realistic aspect of the story. The Christian boy is not heard of again.

What follows can be categorized as a bizarre display of interfaith goodwill. After the Jewish boy is locked in his house to be burned, the Christians check to see that he has perished. The boy is alive, with not even one singed

hair. He explains it this way: "'There appeared,' said he, 'to me, a beautiful woman sitting on a chair, whose son the child was, which was before divided and distributed in the church among the people; who reached to me her hand in the burning flame, and with her gown-skirts kept the flame from me, so that I was preserved thereby from perishing.'"[75]

On the tropological level, Fox's story seems to have more than one moral. As stories often allow their readers to imagine a world outside conventions, this story's presentation of a Christian-Jewish friendship imparts a message of religious tolerance and cooperation. In addition, the mother's protection of the Jewish boy with her gown skirts could be understood as a directive to model one's behavior after such magnanimous actions; the mother, after all, purportedly saved the Jewish boy despite his faith. This compassionate mother appears to represent the Virgin Mary, an inadvertently pro-Catholic gesture in an otherwise anti-Catholic story. Ultimately, the Virgin Mary transcends the religious divide between Christians and Jews in this story.

It must be noted that Foxe's story bears an uncanny resemblance to a story from Gregory of Tours's *Glory of the Martyrs* (sixth century) in which a Jewish boy is thrown into a fire for "happily" partaking in the Eucharist.[76] In Gregory's story, it is the boy's father, "an enemy of Christ the Lord and his law"—not a group of marauding Christians, as in Foxe's story—who throws him into a fire. But, as in Foxe's story, the Jewish boy survives the flames, "reclining as if on very soft feathers," because "the woman who was sitting on the throne in that church where [he] received the bread from the table and who was cradling a young boy in her lap covered [him] with her cloak, so that the fire did not devour [him]." Gregory notes that "there is hence no doubt that the blessed Mary had appeared to him."[77] While some details of Foxe's story are different from those of Gregory's well-known centuries-old legend, the striking similarities between the stories perhaps reinforce an understanding of Mary's compassion for the Jew.

For Foxe, however, the moral of the story is quite different. At the outset, by calling the story a "lying miracle of transubstantiation," the Protestant Foxe insinuates the moral that Catholics should not lie about such serious religious matters as transubstantiation. Foxe chastises Catholics for "borrow[ing] such figments of the Jews, to prove their feigned transubstantiation." In this case, the Jewish boy provided a witness for the transubstantiation he and the Christian boy saw.

It is at the allegorical level that this tale, a "lying miracle of transubstantiation," can be transformed into a parable about Henry VIII and the Bassanos. There is no evidence that Foxe had this story in mind—or even that he knew of it—but it emerges from the context of Tudor England as a powerful tool for understanding Henry's inclinations in bringing the Bassanos to his court. Indeed, the moral discussed previously—that readers should not believe Catholic lies about transubstantiation (lies in which Jews are also implicated)—is subverted in my allegorical reading of the story, for Henry VIII *does* borrow from the musical and artistic gifts of the Jewish Bassanos, not to prove transubstantiation but to elevate the musical culture at his court.

In my reading, the Jewish boy may be taken to represent the Bassano family, and the Christian boy may be understood as serving the same function as Edmund Harvell, the envoy who recruited the Bassanos to work at Henry VIII's court. In this scenario, the church may be taken to represent England, as both entities were governed by laws and societal norms, and the altar, the heart of the church where the liturgy culminates, may represent Henry VIII's court. The little child "broken and torn in pieces," Foxe's representation of Jesus, may be understood as the cultural aspect of the court. As the French ambassador Marillac writes to Montmorency in 1539, Henry VIII wanted to secure artists of all kinds to elevate the culture of his court: "The King, who in some former years has been solitary and pensive, now gives himself up to amusement, going to play every night upon the Thames, with harps, chanters, and all kinds of music and pastime. He evidently delights now in painting and embroidery, [having sent men to France, Flanders, Italy, and elsewhere for masters of this art, and also for musicians and other ministers of pastime.]"[78]

In a sense, Henry VIII becomes the bishop or custodian of the "flock" of artisans whom he invites from all over Europe. From Italy, in addition to the Bassanos, Henry recruited sculptors such as Pietro Torrigiano (Florence) to design a tomb for Henry VII and Elizabeth of York in 1511 and the painter Vincenzo Volpe (Naples) to paint maps.[79] Hans Holbein the younger, from Basel, became the king's painter, painting portraits of members of Henry's court.[80] Jewelers from Antwerp designed Henry's jewelry, and tailors also came from Flanders to serve the king.[81] While the collection of Flemish tapestries is known to have begun with Edward IV, by the time of Henry VIII, the court had more than two thousand tapestries.[82] The Horenbouts,

Flemish illuminators, came to the court in the 1520s; in addition to illuminating liturgical manuscripts, they also painted portrait miniatures.[83] In this context, Foxe's narrative of transubstantiation may be taken as a metaphor for the creative process of these artisans. Just as the priest takes and transforms the materials of the Eucharist (the bread and the wine), these artisans also take materials with no intrinsically divine properties (paint, clay, canvas, stone, string, wood, and musical notes) and transform them into art.

The final (and perhaps the most ludicrous) analogy to be drawn is that Henry himself can be likened to the Virgin Mary in Foxe's story. If this comparison seems implausible, the relationship between the two as manifested in the stories I am considering is uncanny. Just as Mary protects the Jewish child from the fire set by his would-be murderers in Foxe's story, it is Henry who protects the Bassanos from the fire of the Inquisition, as well as from the locals who were resentful of foreigners working in the court. Even when the Jewish Portuguese viol players were imprisoned in January 1542 for being Marranos, the Bassanos were left alone.[84] Thus, although Henry's tolerance obviously had limits and he did not extend it to those Portuguese viol players, he was willing to ignore the Bassanos' Jewish heritage apparently because their presence in his court was of benefit.[85] Indeed, Henry's "gown-skirts" of patronage allowed the Bassanos to flourish in England for three generations, as they eventually acquired titles of gentlemen.[86]

While my usage of Foxe's anti-Catholic story of a "lying miracle of transubstantiation" may seem unusual in its correlation to the Bassanos and Henry VIII, I propose that it is particularly constructive in teaching us how to understand afresh the connections among musicians, rulers, and their emissaries. A close reading of this story also sheds light on the distinctive religious aspects of the situation, which not only include the religious protection Henry seemed to offer to the Bassanos but also extend to the esteem that Henry gave to the arts—an esteem bordering on worship.

NOTES

1. For a more detailed discussion of the inner workings of these negotiations, see David S. Katz, *The Jews in the History of England, 1485–1850* (Oxford: Clarendon, 1994), 1–48.

2. This story is related in John Foxe and George Townsend, *The Acts and Monuments of John Foxe: With a Life and Defence of the Martyrologist, by the Late Rev. George Townsend*, 8 vols. (London: G. Seeley, 1870), 5:295. Curiously, this story is not discussed in Sharon Achinstein, "John Foxe and the Jews," *Renaissance Quarterly* 54, no. 1 (Spring 2001): 86–120.

3. See Roger Prior, "Jewish Musicians at the Tudor Court," *Musical Quarterly* 69, no. 2 (Spring 1983): 253–265; David Lasocki with Roger Prior, *The Bassanos: Venetian Musicians and Instrument Makers in England, 1531–1665* (Aldershot: Scolar and Brookfield, VT: Ashgate, 1995); and Alessio Ruffatti, "Italian Musicians at the Tudor Court," *Jewish Historical Studies* 35 (1996–1998): 1–14. Peter Holman also discusses the Bassanos within the context of the string players at the English court in Peter Holman, *Four and Twenty Fiddlers: The Violin at the English Court, 1540–1690* (Oxford: Clarendon, 1993).

4. My objective is not to understand the Bassanos' contributions to either Venetian or English musical life but rather to explore the complexities of their situation in these two environments with very different religious profiles and professional opportunities. On the contribution discourse, see Moshe Rosman, *How Jewish Is Jewish History?* (Oxford: Littman Library of Jewish Civilization, 2007), 111–130.

5. By contrast, Alessio Ruffatti calls their Jewish heritage into question, arguing that before they moved to Venice, the Bassanos' surname was actually Piva, a name "that does not *seem* Jewish at all" (italics added). He questions that the Bassanos lived as crypto-Christians, as none of the customary evidence citing their Jewish origins (particularly important for those who converted) appears in any documents. See Ruffatti, "Italian Musicians at the Tudor Court," 6.

6. Lasocki and Prior, *The Bassanos*, 92.

7. See Lasocki and Prior, 94; Prior, "Jewish Musicians at the Tudor Court," 257–258.

8. Lasocki and Prior, *The Bassanos*, 93.

9. Lasocki and Prior, 93.

10. Lasocki and Prior, 96.

11. See Benjamin Ravid, "The Legal Status of the Jews in Venice to 1509," *Proceedings of the American Academy for Jewish Research* 54 (1987): 186.

12. See Robert Bonfil, *Jewish Life in Renaissance Italy*, trans. Anthony Oldcorn (Berkeley: University of California Press, 1994), 135.

13. Ravid, "The Legal Status of the Jews in Venice to 1509," 192.

14. Ravid, 196.

15. On the other hand, earlier in 1464, Pope Pius II actually protected Jewish freedom of religion, stipulating that Jews be permitted to "practice their religion and threatened with excommunication anyone who forbade them from doing so." Ravid, 188.

16. See Bonfil, *Jewish Life in Renaissance Italy*, 23.

17. Bonfil, 24.

18. Brian Pullan, "Jewish Banks and Monti di Pietà," in *The Jews of Early Modern Venice*, ed. Robert C. Davis and Benjamin Ravid (Baltimore: Johns Hopkins University Press, 2001), 60. See also Brian Pullan, *Rich and Poor in Renaissance Venice: The Social Institutions of a Catholic State, to 1620* (Cambridge, MA: Harvard University Press, 1971), 449–452.

19. See Robert Finlay, "Foundation of the Ghetto: Venice, the Jews, and the War of the League of Cambrai," *Proceedings of the American Philosophical Society* 126, no. 2 (April 1982): 140.

20. Finlay, 145.

21. Asher Meshullam, leader of Jewish community, was consulted over the foundation of the ghetto—he worried that this segregation would result in a pogrom—but the proposal was still set forth. Finlay, 151.

22. Finlay, 152.

23. Finlay, 152.

24. See Bonfil, *Jewish Life in Renaissance Italy*, 72–74.

25. Bonfil, 72.
26. Bonfil, 45.
27. Bonfil, 45.
28. See Ruffatti, "Italian Musicians at the Tudor Court."
29. See Jonathan Glixon, "Music at the Venetian Scuole Grande, 1440–1540" (PhD diss., Princeton University, 1979), 1:155.
30. Translated from Glixon, 1:94–95. The original Italian (Glixon, 2:34) reads as follows:

> In la qual procession vi è portado, come è ditto, el prefato sanctissimo legno suso uno soleretto con la ombrella aluminato de cere et acompagnato cum i cantadori nostri fina al'altar grando di ditta Giesia . . . El preditto Vardian et compagni hano terminato che sempre che ditta procession se farà neli soprascritti zorni, aventi i cantadori sopranominati debi chanto acompagnarne i trombetti et piffari. I qual al andar et al tornar dela Scuola tal solmenità, ac etiam a tutta la Messa debano sonar. Si de trombe e piffari haver debiano per ogni fiada in simel caxo lire do di pizoli, che serà a raxon de anno ducati quatro al'anno. Et così sono rimasti d'acordo con i soprascritti piffari. I qual promettino attendar, et non mancar, et farà el debito suo.
>
> I trombi e pifari sono li infrascriti:
> Ser Bernardin fio de Ser Bortolomeo, pifaro del Serenissimo
> Ser Gasparo fio de Ser Bernardo da Toregni
> Ser Alvise da Bassan di maestro Jeronimo
> Ser Yipolito de San Salvador

31. Glixon, 1:104.
32. See Jeffrey Kurtzman, "Instruments, Instrument Makers, and Instrumentalists in the Second Half of the Sixteenth Century," in *A Companion to Music in Sixteenth-Century Venice*, ed. Katelijne Schiltz (Leiden: Brill, 2018), 310.
33. Six players were hired to play for the vigil and feast of San Marco as well as the feast of Sant'Agnese. See Glixon, "Music at the Venetian Scuole Grande," 1:92 and 1:48. See also Ruffatti, "Italian Musicians at the Tudor Court."
34. Translation from Glixon, "Music at the Venetian Scuole Grande," 1:98. The original Italian (Glixon, 2:37) is as follows:

> Ritrovandosi nella Schuola nostra molte spese superflue e di poco frutto a quella, come è gli trombi et pifferi, che misser Vettor Ziliol nel suo primo guardianato tolse per li prime Domeneghe del meze solamente, con spesa di ducati 4 all'anno . . . . Par che tal spesa di cantadori solenni sia superflua alla Schuola, perchè nel tempo delle procession con ducati 2 ½ per volta si haverà 3 cantadori apresso Lorenzo, che faranno quello istesso che fanno questi salariati de fermo, et forse meglio . . . dove a questo modo si vegnerà a sparagnar ducati 16 de cantadori et ducati 4 de sonadori, che in tutto farà ducati xx all'anno: cosa certo da far, et massime ne gli tempi senestri, che hora si ritroviamo.

35. See entry 280 in *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII: Preserved in the Public Record Office, the British Museum, and Elsewhere in England*, arranged and catalogued by J. S. Brewer (London: Longman, Green, Longman, and Roberts, 1862–1932), vol. 14/2: 106.
36. See also Ruffatti, "Italian Musicians at the Tudor Court."
37. See Foxe and Townsend, *The Acts and Monuments of John Foxe*, 2:277.

38. Foxe and Townsend, 2:277.
39. Foxe and Townsend, 2:277.
40. Foxe and Townsend, 2:534.
41. Foxe and Townsend, 2:534.
42. Foxe and Townsend, 2:535.
43. See Achinstein, "John Foxe and the Jews," 86.
44. See Cecil Roth, *A History of the Jews in England* (Oxford: Clarendon, 1941), 70.
45. Roth, 135.
46. See Lucien Wolf, "Jews in Tudor England," in *Essays in Jewish History*, ed. Cecil Roth (London: Jewish Historical Society of England, 1934), 78–79.
47. *Acts of the Privy Council of England*, vol. 1, 1542–1547 (London: H. M. Stationery Office, 1890), 305–306.
48. David Lasocki and Roger Prior note the "welcome extended him [Mark Raphael, one the king's Venetian Jewish advisors] would obviously smooth a path for other Jews." See Lasocki and Prior, *The Bassanos*, 94.
49. See entry 6310 in *Letters and Papers*, vol. 4/3: 2835.
50. See entry 6661 in *Letters and Papers*, vol. 4/3: 3002.
51. See Robert Barrington, "Two Houses Both Alike in Dignity: Reginald Pole and Edmund Harvell," *Historical Journal* 39, no. 4 (December 1996): 904.
52. See Roth, *A History of Jews in England*, 135. See also Katz, *The Jews in the History of England*, 3–6.
53. See Victor Coelho and Keith Polk, *Instrumentalists and Renaissance Culture, 1420–1600: Players of Function and Fantasy* (Cambridge: Cambridge University Press, 2016), 28.
54. See Eileen Sharpe Pearsall, "Tudor Court Musicians, 1485–1547: Their Number, Status and Function" (PhD diss., New York University, 1986), 124.
55. Pearsall, 128.
56. See the entry for September 30, 1531, in Andrew Ashbee, *Records of English Court Music*, vol. 7, 1485–1558 (Aldershot: Scolar, 1993), 368–369.
57. Lasocki and Prior, *The Bassanos*, 7.
58. See Coelho and Polk, *Instrumentalists and Renaissance Culture*, 30.
59. Foxe and Townsend, *The Acts and Monuments of John Foxe*, 1:xii.
60. Foxe and Townsend, 1:7.
61. Foxe and Townsend, 1:3.
62. Foxe and Townsend, 1:viii.
63. Foxe and Townsend, 5:295.
64. See Helen Parish, *Monks, Miracles, and Magic: Reformation Representations of the Medieval Church* (London: Routledge, 2005), 46.
65. William Tyndale, *Doctrinal Treatises and Introductions to Different Portions of the Holy Scriptures*, ed. Henry Walter (Cambridge: Parker Society, 1848), 286–287.
66. See William Tyndale, *The Works of English Reformers: William Tyndale and John Frith*, ed. Thomas Russell, 3 vols. (London: Ebenezer Palmer, 1831), 2:95.
67. As Helen Parish has written, "The rhetoric of novelty, fraud, and feigned miracle that had been directed against the cult of the saints was also turned against the central rite and sacrament of the church and used to justify the rejection of traditional teaching on the theology of the Eucharist." See Parish, *Monks, Miracles, and Magic*, 63.
68. See William Tyndale, *An Answer to Sir Thomas More's Dialogue, the Supper of the Lord after the True Meaning of John VI and 1 Cor. XI* (Cambridge: Cambridge University Press, 1850), 229.

69. Story from Charles Wriothesley, *A Chronicle of England during the Reigns of the Tudors, from A.D. 1485 to 1559*, ed. William Douglas Hamilton, 2 vols. (London: Camden Society, 1875–1877), 1:152. This story is discussed in Peter Marshall, "Forgery and Miracles in the Reign of Henry VIII," *Past and Present* 178 (February 2003): 66.

70. See Achinstein, "John Foxe and the Jews," 93–94.

71. See David B. Ruderman, *Early Modern Jewry: A New Cultural History* (Princeton, NJ: Princeton University Press, 2010), 176.

72. See Daniel Stein Kokin, "Isaac ha-Kohen's Letter to Marco Lippomano: Jewish-Christian Exchange and Arabic Learning in Renaissance Italy," *Jewish Quarterly Review* 104, no. 2 (Spring 2014): 192–233. Also, a series of Hebrew letters that were exchanged between Marco Lippomano and Jewish scholar Crescas Me'ir were published by Adolf Neubauer in 1886. See Adolf Neubauer, *Catalogue of the Hebrew Manuscripts of the Bodleian Library and in the College Libraries of Oxford* (Oxford: Clarendon, 1886), cols. 751–752, no. 2174. See also Kokin, "Isaac ha-Kohen's Letter to Marco Lippomano," 193n3.

73. As Kokin points out, "Though the term 'uncircumcised' . . . might appear derogatory, it appears to have functioned as a neutral designation for Christians." Kokin, 203.

74. Kokin, 217.

75. Foxe and Townsend, *The Acts and Monuments of John Foxe*, 5:295.

76. See Gregory of Tours, *Glory of the Martyrs*, trans. Raymond Van Dam (Liverpool: Liverpool University Press, 1988), 29–30. Margot Fassler notes that Fulbert of Chartres (twelfth century) refers to Gregory of Tours's story of the Jewish boy in his prayer found in the sermon *Approbate consuetudinis* attributed to him: "May you be gentle and merciful, as you were to the little Jewish boy, so that just as you freed him from the furnace of glowing fire, so may you free me from the seasurge of carnal desires with your intercessions and holy prayers." Margot Fassler, *The Virgin of Chartres: Making History through the Arts* (New Haven, CT: Yale University Press, 2010), 88–89.

77. Gregory of Tours, *Glory of the Martyrs*, 30.

78. See entry 1092 in *Letters and Papers*, vol. 14/1, 498.

79. Carol Galvin and Phillip Lindley, "Pietro Torrigiano's Portrait Bust of King Henry VII," *Burlington Magazine* 130, no. 1029 (December 1988): 892–902; Peter Barber, "England I: Pageantry, Defense, and Government: Maps at Court to 1550," in *Monarchs, Ministers, and Maps: The Emergence of Cartography as a Tool of Government in Early Modern Europe*, ed. David Buisseret (Chicago: University of Chicago Press, 1992), 33.

80. Susan Foster, "Holbein as Court Painter," in *Henry VIII: A European Court in England*, ed. David Starkey (London: Collins and Brown, 1991), 58–63.

81. Alison Weir, *Henry VIII: King and Court* (London: Jonathan Cape, 2001), 192 and 188.

82. David Starkey, *Henry VIII: A European Court in England* (London: Collins and Brown, 1991), 8. See also Theodor Dumitrescu, *The Early Tudor Court and International Musical Relations* (Burlington, VT: Ashgate, 2007), 6 and 16.

83. Janet Backhouse, "Illuminated Manuscripts and the Development of the Portrait Miniature," in *Henry VIII: A European Court in England*, 88–93.

84. For a closer look at the Jewish Portuguese viol players in England in the 1540s, see Roger Prior, "A Second Jewish Community in Tudor England," *Jewish Historical Studies: Transactions of the Jewish Historical Society of England* 31 (1988–1990): 137–152.

85. Roger Prior suggests that Jewish employment could have been precisely because they were Jewish. He writes, "Despite official ban and some popular prejudice against Jews . . . their employment must have been a deliberate act of policy. . . . It was doubtless realized . . .

that Jews would make reliable servants precisely because they owed loyalty neither to the Pope nor to Luther. Indeed, in a curious way their independence from both camps was a reflection of Henry's own attitude. And in the event, their loyalty to the Crown was amply proved." See Prior, "Jewish Musicians at the Tudor Court," 262–263.

86. Lasocki and Prior, *The Bassanos*, 86.

DONGMYUNG AHN teaches music history at Queens College and is Director of the Queens College Baroque Ensemble. She received her PhD in musicology at the Graduate Center, CUNY, and has published an article on medieval liturgy in the Rodopi series Faux Titre.

Robert S. Wistrich

RADICAL ANTISEMITISM IN FRANCE AND GERMANY (1840–1880)

I

Radical secular antisemitism has its origins in the dualistic attitude to Jews and Judaism which lies at the heart of the 18th-century Enlightenment and the emancipatory concepts of the French Revolution. On the other hand, there is no doubt that the Jews of France, and later in Germany, and elsewhere in Europe ultimately owed their emancipation to the liberal-revolutionary principles of 1789, to the victory of a secular notion of citizenship which emphasised the rights of the individual based on natural law. This secular principle had effectively challenged the institutional power of the Catholic Church and it neutralized religion as an independent factor in the State, thereby undermining a millenial tradition that had shaped Christian attitudes to Jews. By abolishing segregation at one stroke and granting full civic equality to Jews in 1791, the French revolutionaries were acting consistently with the logic of political emancipation, i.e., the dissolution of the *ancien régime*, of feudal privileges, estates, corporations and guilds, and the proclamation of universal human rights in the name of the sovereign people, *un et indivisible*.

Alternatively, the same rationalist doctrines which triumphed in 1789 provided the ideological basis for the modern secular Jew-hatred of the 19th century—itself a creation of the post-Christian (and in most cases anti-Christian) radical intelligentsia of Western Europe. The originator of this "post-Christian secularized rhetoric" was Voltaire, whose attitudes were "fashioned not as a reaction to the Enlightenment and the Revolution, but *within* the Enlightenment and Revolution themselves."[1] It was not only "reactionaries" who were hostile to the granting of equal rights to Jews, but also in many cases radicals, "progressives" and even socialists. Even where, as in the writings of Hegel and Marx, the general principle of (Jewish) civil equality was upheld, the antipathy towards Jewry and Judaism tended to neutralize its impact. Moreover, the radical critique of Judaism which had its roots in Enlightenment doctrines not only determined the legitimacy of any Jewish group's existence within non-Jewish society, it effectively provided the bridge to the new racial

Modern Judaism 15 (1995): 109–135 © 1995 by The Johns Hopkins University Press

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

doctrines of antisemitism in the post-1870 era. Indeed, it would be no exaggeration to say that the latter was essentially an offshoot of left-wing ideology—a thesis that I propose to illustrate through my analysis of the writings of the *antijuif* socialists in France and the Young-Hegelian radicals in Germany.

Any comparison of their respective contributions to the crystallization of antisemitism in 19th-century Europe is obliged to take account of certain national peculiarities that marked off France from Germany. German radicals were operating in an environment in which, unlike the French revolutionaries of 1792, they had not yet emancipated themselves. The Prusso-Christian State to which they were opposed, did not recognise the Rights of Man—in that sense it could be described as a "theological State." As Marx wrote to his young-Hegelian friend Arnold Ruge in May 1843, "Our Germany, the philistine world at its most perfect, most necessarily lag far behind the French Revolution which restored man to his estate."[2] The consequences of this time-lag meant that in 1843 the Germans had not yet reached the stage of political emancipation that the French Jacobins had passed in the 1790s. To quote Karl Marx again, the Germans had shared "the restorations of modern nations without having shared their revolutions"[3]—hence, they were obliged to relive in *philosophy* what the French had already enacted in politics.

The "Jewish question" in France had not been the subject of a long, acrimonious debate, continually plagued by setbacks, changes of policy and popular dissent as it had in the German states before 1848. With the temporary exception of the Napoleonic *décret infâme* of 1808, there was no serious attempt to reverse or even brake the emancipatory achievements of 1791, either by the Bourbon, Orleanist, republican or Bonapartist regimes which ruled France until 1870. Moreover, it was the Napoleonic conquests which had consolidated the full emancipation of the Jews in the German territories ruled (directly or indirectly) by France between 1792 and 1813. The ideals of the Revolution were carried by force of arms across Europe, sweeping away the ghettoes along with other unwanted débris belonging to the feudal past. Thus the cause of Jewish emancipation had behind it all the prestige and symbolic importance of being identified with the ideals of the tricolour *(liberté-égalité-fraternité)* and the rebirth of the modern French nation.[4] The connection of the individual with the nation was essentially a legal one and the acquisition of French citizenship by Jews was coterminous with their acceptance and absorption into the French nation-state. Nationality in early 19th-century France was a purely *political* concept, in contrast to Germany where the backlash against the Napoleonic conquests had led to a widespread repudiation of "French" ideas of economic individualism, political rationalism and the Rights of Man. German nation-

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

alism, as it developed around 1800 was the credo of a people *without* a State, which defined itself in cultural-ethnic rather than political terms, emphasising tribal cohesion, uniqueness and internal loyalties.[5] This ethnocentric nationalism, which influenced even German radicals, was much less propitious for the granting of Jewish civil rights— lacking as it did the assimilatory power and *volonté* of French universalism. Thus German Jews constantly had to prove themselves "ripe" for emancipation, even in the eyes of the radical Left, while the social integration of French Jewry was allowed to proceed without their status as equal citizens being under constant scrutiny and challenge.

The Prusso-German model of emancipation "from above" under the guidance of an enlightened-absolutist officialdom, proved to have all the disadvantages of a gradual, phased process in a period of reaction and restoration such as occurred between 1815 and 1848. The return to the romantic-medievalist concept of the Christian State in Prussia (which excluded all but baptised Jews from any role in public life), the gap between formal legislation and a discriminatory administrative *praxis*, the absence of German national unity—were all factors that ensured the persistence of a "Jewish question" in the German states.[6] A coordinated approach to Jewish emancipation was impossible when each state authority made its own political decisions according to the specific conditions existing in its sphere. Moreover, the resistance of significant sectors of the German population to Jewish equality and the outbreak of renewed persecution on the popular level in 1848 (e.g., in Baden, Hesse and Silesia) played into the hands of the reaction.

The failure of the 1848 revolution in Germany underlined its economic and political backwardness in comparison with France. The German middle classes unlike their French counterparts, had neither executed nor eliminated the aristocracy as a political force nor proved capable of stamping their moral and political ideas on the rest of society. The lack of national unity and a unified legal system in Germany along with the persistence of aristocratic privilege, medieval corporate organizations and a paternalistic commercial legislation were visible consequences of this difference.[7] In France a victorious bourgeoisie had emancipated the Jews as part of its thrust towards establishing a more modern economy, based on free trade, social mobility and economic individualism. In the Germany of the 1840s with the slow pace of modernization, the survival of pre-capitalist classes and a quasi-feudal society, the Jews still remained aliens within the framework of the Christian State. Nevertheless, they were already beginning their social ascent into the upper and lower strata of the German middle classes, though it would take another two decades before their political status reflected their economic emancipation. For reasons connected with the anom-

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

alies of German industrial development, socio-political structure and national consciousness, this delay in Jewish emancipation played into the hands of the antisemitic movement that developed at the end of the 1870s in the Second Reich.[8]

But the greater success of the French emancipationist model in the 19th century should not mislead us into regarding the German *Judenfrage* purely as the product of the counter-emancipatory ideology or a reaction to the "French" ideas of 1789. Not only did French thinkers themselves contribute as much as the Germans to the transition from traditional Christian Jew-hatred to modern secular antisemitism but it was precisely from the most "progressive" quarters that this current of opinion emerged. France, the cradle of the European socialist movement (in Germany its first stirrings in the Rhineland around 1840 were also the product of French influence) was also the birthplace of an anticapitalist antisemitism directed ostensibly at the role of the Jewish minority in spearheading a new kind of economic development. The *antijuif* socialists in France were undoubtedly influenced by the traditional Catholic values of a predominantly agrarian society (with a strong moral feeling against uninhabited economic individualism) which was the first in Europe to undergo the trauma of the industrial revolution.[9] As products of a traditional society undergoing the atomization of the market economy, these socialists had to confront the paradox of the "principles of 1789," namely that the Great Revolution had emancipated not only the *citoyen*, but also the *bourgeois*. Although the new bourgeois society could not be construed as purely "Jewish," its ethos was frequently represented as having favoured Jews who stood in the vanguard of the new breed of enterpreneurs that were transforming the French landscape. Thus the French socialist backlash against banking and commercial capitalism —a revolt which looked back to the communitarian values of the past as well as forward to the utopian possibilities of the future—was more easily led into antisemitic channels.

II

> "As do the people, I call by the despised name of Jew every dealer in money, every unproductive parasite living off the work of someone else. Jew, usurer, money-dealer—all are synonymous for me. Many people have reproached me for having given the name of a still living people to an infamous profession. I reply that it is not up to a writer, to attack the value of an expression that has been consecrated by use, and that in my national language I have not been able to find a better name than Jew to designate those whom I wish to stigmatize."
>
> Alphonse Toussenel, *Les Juifs, rois de l'époque* (1845)

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

It has sometimes been argued that the vocabulary of the *antijuif* socialists in France was not so much antisemitic as the vehicle for the propagation of an anticapitalist ideology.[10] The usage of the term "Jew" in a figurative manner to denote "someone who lends at usurious rates or sells as exorbitantly high prices" or who "seeks to gain money by unjust and sordid methods" (definitions taken from the *Dictionaire de l'académie française*, 1835) was admittedly sanctioned both by popular custom and official French culture.[11] Thus the Christian socialist Pierre Leroux (1797–1871) in an article of 1846 (which had the same title as Alphonse Toussenel's book) claimed: "This term 'Jew' which we write, is forced upon us by the French language which, from time immemorial, has turned this name of a people into a generic term . . . We speak of the Jews as does the Academy."[12]

In the same article Leroux also spoke of the Jews as "a great people, so great that if one had to celebrate one people among all the families that make up the human race, this unique distinction would perhaps go to this people that drew from the depths of the Orient . . . the two most precious of all truths: the unity of God and the unity of the human species."[13] Such philosemitic statements, extremely rare in early 19th-century French socialist literature (only in the writings of Cabet, Pecqueur and some of the Saint-Simonians can one find anything similar),[14] indicate that Leroux may have been a special case, in that he genuinely distinguished between the Jewish *people* and the "Jewish spirit." Like the Saint-Simonians (of whom he had once been a member) he saw in the messianism of the Jewish people the positive assertion of the unity and universality of mankind; the "Jewish spirit" was however the embodiment of Mammon—"a spirit of greed and cupidity—"the mentality of gain of profit, of exploitation, the mentality of enterprise and monopoly: in a word, the mentality of banking."[15]

Leroux's identification of the "Jewish spirit" with capitalism may not have been intentionally antisemitic (in the 1860s Leroux explicitly rejected the thesis of the famous French savant, Ernest Renan, that the "Semites" were inferior to the Indo-European race) but it did illustrate the extreme elasticity of the label "Jew" in the 1840s. The same phenomenon is apparent in the semantic identification to be found in the German language, linking *Judentum* (Judaism/Jewry) with its secondary meaning of commerce. For example, in the young Karl Marx's essay, *Zur Judenfrage* (1844), contemporaneous with the writings of Toussenel and Leroux, the term "Judaism" is partly used as a symbol of the *Zeitgeist* of middle-class philistinism and money-worship.[16] It is not so much the description of a particular race, religion or ethnic group as an abstract category for conceptualizing contemporary alienation in the spheres of society and economics. As in the case of Leroux and Toussenel, the effect was however to reinforce traditional Christian anti-Jewish stereo-

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

types—especially the identification of Jews with usury—in the popular consciousness.

The Fourierist Alphonse Toussenel (1803–85) provides perhaps the best example of this genre of primitive anticapitalism superimposed on the medieval Christian image of the Jew as moneylender. In his populist attack on "the kings of the epoch," Toussenel uses the term "Jew" as a synonym for ". . . every trader in cash, every unproductive parasite, living off the substance and work of others . . ."[17] but at the same time the explicitly identifies the Jews with the Protestant nations—especially with the Puritan English and the Dutch, Swiss or American Calvinists. ". . . And when one says Jew it also means Protestant, and it is inevitable that the Englishman, the Dutchman and the Genevan, who learn to read the will of God in the same book as the Jew [the Bible], profess the same contempt as the Jew for the laws of equity and the rights of the workers."[18]

It would be tempting to see this usage as a tactical device to make anticapitalism more accessible to the masses, by exploiting traditional prejudices and associations of "Jew" with usurer. One has to remember that Protestantism, even in Catholic France, was undeniably more influential and respectable than Judaism and therefore less vulnerable to attack. Toussenel was surely not unaware of the fact that under the July Monarchy of Louis Phillipe, *la haute bourgeoisie protestante* (Protestants of French, Swiss and German origin) were at least as prominent in French banking as Rothschild & Co. Yet he evidently preferred to mask his critique of the influential Protestant minority by subsuming them under the category of "Jews."

The elasticity of Toussenel's vocabulary is apparent when he attributes all the social evils of the Industrial Revolution, including even the impoverishment of English and Irish workers to the machinations of the *juifs*—"qui avez voué l'homme du peuple à l'abrutissement et à la misere, et sa fille à la prostitution."[19] The connection between the "Jews" and Great Britain is however no more fortuitous than the Protestant identification—the *antijuif* vocabulary serves as a vehicle for Toussenel's Anglophobia as well as his anti-Protestantism. Great Britain is presented as the cradle of the doctrines of classical political economy, liberal individualism and gloomy Malthusianism which Toussenel detests—and its aristocracy is denounced for practising the global commercial exploitation of agricultural peoples.[20] Just as the profits of the monopolies enrich the parasitic *juifs* in France at the expense of the labouring masses, so too the misery of the rest of the world is shown to be the source of British wealth. The submission of French foreign policy to Great Britain's interests is also no accident, since under the rule of the Jewish bankers, it is the slogan of the cosmopolitan *sans-patrie*, "ibi aurum, ibi patria" which assumes decisive importance. "Pour la raison

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

que les juifs n'ont point de patrie, le pays où ils regnent ne peut avoir de système arrêté, de politique nationale, c'est-à-dire qui s'appuie sur les sympathies de la nation."[21]

For Toussenel, England is "the impure Babel," the satanic workshop of the industrial world where the poisonous concoctions of laissez-faire economics and free trade have been invented.[22] But beyond his visceral Anglophobia and bias against the Protestant ethic of capitalism, the *antijuif* terminology serves Toussenel as the basis for a sweeping condemnation of the industrial revolution, of the pernicious ecological impact of railways, the despoiling of the countryside, parliamentary corruption and the social evils of developing capitalism. Conceived as a history of the *féodalité financière*, Toussenel's work pioneered a new literary genre which announced all the basic themes of fin-de-siècle French antisemitism. At the centre of this literature was the myth that "the Jew rules and governs in France",[23] that "the French people, supposedly emancipated by the Revolution of '89 from the yoke of the feudal nobility has only changed masters."[24] The new "kings of the epoch," were the bankers and the industrial capitalists. "There is no government other than the bank . . . the King, the Chambers, exist only on the condition of serving its exigencies and caprices."[25] The monopolists were pictured as vampires of developing capitalism, *les gros* who devour *les petits*,[26] monopolists feeding like parasites on the labouring masses. For Toussenel and several generations of French socialists this spectre of *industrial feudalism* was "personified by the cosmopolitan Jew", namely the fabulous figure of the Rothschilds whose rise had supposedly coincided with the decline of France.[27] Under their sway "L'Europe est inféodée à la domination d'Israël" and the Christian workers ("la milice de Dieu") are crushed by "cette puisssance insatiable des juifs."[28] Thus the social struggle (*"la guerre sociale"*) is equated by Toussenel and the antisemitic socialists with liberation from the "Jewish yoke." The emancipation of labour goes hand in hand with the downfall of the Jews ("l'abaissement des juifs").[29]

Much of Toussenel's anti-industrial rhetoric clearly derived from the teachings of his master Charles Fourier (1772–1837) who bitterly opposed the ideology of economic liberalism which the French Revolution had unleashed in modern European society.[30] Fourier regarded the granting of citizenship to Jews in 1791 as one of those "shocking actions" caused by liberal prejudices—"an act doubly impolitic in that it opens the door to parasites and unproductive people, all of whom are devoted to trade and not to agriculture. An enlightened policy would have excluded these people as a social contagion."[31] Fourier's hostility to the Jews as a mercantile race of parasites, "the leprosy and ruin of the body politic," was consistent with his general hatred of commercial civilization and its vices—usury, speculation, hoarding and parasitism. The Fourierists' antagonism to industrialism, machine-technology, and commer-

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

cialism was the obverse side of their preoccupation with productive labour, agriculture and communitarian values—which the Jews as a debased race of merchants and middlemen were seen as undermining.[32] Thus it is not surprising that Toussenel's book was praised by the editors of the Fourierist *La Librairie Sociétaire* for having brilliantly expounded "des doctrines qui sont généralement conformes à celles que l'Ecole Sociétaire a developées et produit encore tous les jours dans ses écrits . . ."33 The only reservation expressed by the editor significantly concerned the title "qui consacre une signification facheuse donnée au nom de tout un grand peuple." Many years later Toussenel made it clear that personally he had no apologies "for indicting the Jewish race" and that his ambiguous use of the term *juif* was only a veil for his Christian-social antisemitism.[34] "Praise be that the supreme Providence ordained that the mercantile system should have as its primary sponsors the children of Israel, the unregenerated sons of those Pharisees and scribes who put Christ on the cross, so that the Christian world should immediately recognise the *infâme* by nothing but the contamination of his name."[35]

No wonder then, that Toussenel's evocation of "the people of Satan," the deicidal race, should have so deeply impressed the high-priest of French antisemitism, Edouard Drumont who, forty years later, echoed his predecessor's slogan that the Jews were "une nation dans la nation française," who would soon conquer France from within.[36] Praising Toussenel's "wonderful" book as "the work of a poet, of a thinker, of a prophet," Drumont admitted that "my sole ambition after long literary labour would be that my book might take its place beside his in the libraries of those who would understand the causes which have brought ruin and shame to our country."[37]

Another important influence on Drumont and late 19th-century French antisemitism were the writings of Pierre-Joseph Proudhon (1809–65)—a founder of modern anarchism and a seminal figure in the history of the European labour movement. Like Fourier and Toussenel, Proudhon considered the Jew as being unproductive by temperament, "neither agriculturalist nor industrialist, nor even a genuine trader."[38] Jews were essentially *speculators* engaged in economically sterile activities—they played the role of an intermediary "always fraudulent and parasiticial, who operates in business as in philosophy, by forging, counterfeiting, sharp practices."[39] The Jew, according to Proudhon, "knows but the rise and fall of prices, the risks of transportation, the incertitude of crops, the hazards of demand and supply. His policy in economics has been entirely negative, entirely usurious. It is the evil principle, Satan, Ahriman incarnated in the race of Shem, which has already been twice exterminated by the Greeks and by the Romans, the first time at Tyre, the second time at Carthage."[40]

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

Proudhon's grotesque assertions clearly reflect the impact of the new racial doctrines formulated in France in the 1850s by Ernest Renan and the Comte Arthur Joseph de Gobineau. Elements of racism, xenophobia, traditional Catholic anti-Judaism as well as the rationalist doctrines of the Enlightenment can all be found in his visceral hatred of the Jews. Perhaps the most extreme formulation appears in a diary entry for December 1847.

> *Jews*—make a provision against this race which poisons everything by meddling everywhere without ever merging with any other people—Demand its expulsion from France, except for individuals married to Frenchwomen.—Abolish the synagogues; don't allow them to enter any kind of employment; finally proceed with the abolition of this religion. It is not for nothing that the Christians called them deicides. The Jew is the enemy of mankind. One must send this race back to Asia or exterminate it."[41]

Other formulations make it clear that this Hitlerian-sounding outburst was no aberration. In the summer of 1847 Proudhon had noted under the heading *"Work to be done"*—that "what the people of the Middle Ages hated by instinct, I hate upon reflection, and irrevocably."[42] For his pseudo-"Zionist" solution, he could even quote the authority of Voltaire, whose anti-Jewish diatribes were very familiar to Proudhon and other French socialists. "I hate this nation [the Jews]. The wish of Voltaire must be accomplished, it must be sent back to Jerusalem."[43] The influence of Voltaire who had placed the Jews beyond the pale of modern Western civilization with his denunciations of their "sordid avarice", "detestable superstition" and "most invincible hatred for every people by whom they are tolerated"—is visible at many points in Proudhon's scattered writings on the subject. The assumption that the Jews by the very nature of their culture and biological inheritance were an inassimilable element, the belief in their moral inferiority, in their stubborn fanaticism, misanthropy and usurious greed were all themes that Proudhon could derive from the 18th-century Encyclopadists, from *philosophes* likes Voltaire, Diderot and the Baron d'Holbach.[44] Nevertheless there were important differences. Voltaire had abandoned the traditional Christian charge against the Jews as a deicide people—accusing them instead of the ultimate crime (in his eyes)—of having *invented* monotheism. Proudhon, however, thought the precise opposite. "Monotheism is so little a Jewish or Semitic idea that the race of Shem can be said to have been repudiated by it, rejected; this is what the declaration of the apostles to the Jews, unyielding in their particularism, expresses. Since you spurn the word of God, of the universal God, we pass on to the Gentiles. Monotheism is a creation of the Indo-Germanic spirit and could not have arisen from any other source."[45]

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

Monotheism is thus a mark of "Aryan" superiority for Proudhon, whereas for Voltaire and D'Holbach it was at the root of all the barbarism, clerical obscurantism and intolerant fanaticism which Judeo-Christianity had transmitted to the modern world. The Voltairean theme is nonetheless present in Proudhon's denunciation of the "unsociable", "stubborn", "infernal" character of the Jewish race whose rabid intolerance is made responsible for "cette superstition malfaisante, appelée catholicisme, dans laquelle l'élement juif furieux, intolérant, l'emporte toujours."[46] Yet Proudhon, the anticlerical rationalist frequently regresses to a more traditionalist Catholic Judeophobia. Thus in his posthumously published *Jésu et les origines du Christianisme* he accuses the Jews of having placed themselves "beyond the conscience of the human race"[47] by the stubborn rejection of Jesus—even though personally Proudhon did not believe in the Christian message—regarding the founder of Christianity in secular terms as a revolutionary populist-socialist.[48] In Proudhon's account it is doubtful if Jesus even belongs to "the race of David";[49] and there is nothing in common between Christ's revolt against sacerdotal tyranny, against the doctors of the law of "pharisaic hypocrisy" and the vulgar materialism of the worshippers of Jehovah.

Among the antisemitic socialists in France, such attacks on Biblical morality were invariably linked with a denunciation of the financial role of the Jews in contemporary society. Thus Proudhon interpreted the Biblical injunction "and thou shalt lend unto many nations but thou shalt not borrow" in an antisemitic sense, concluding that though they were "often unfaithful to Jehovah", the Jews were "always faithful to Mammon" and never forgot the Deuteronomic precept whose purpose was to ensure their domination over the Gentiles.[50] Moreover, their role in "taking possession at all points, of banking, credit, interest, reigning over industry and holding property by mortgage" was for Proudhon as much as symptom of French decadence as the "armies of German, Belgian, English, Swiss, Spanish workers" who were supposedly replacing Frenchmen in the factories and "already invading the countryside".[51] In his eyes, the Jews were hopelessly corrupt, "a race incapable of forming a state, ungovernable by itself . . . wonderfully in agreement about exploiting others. Its analogies in the Bohemians, the Polish émigrés, Greeks, Armenians, Gypsies and other vagabonds."[52] In one of his diary entries for 1847, he notes that "the hatred of the Jew, as that of the English, must be an article of our political faith."[53]

Proudhon's uncompromising antisemitism heralded the basic themes of French national socialism at the turn of the 20th century.[54] Already in 1847 he forecast that "by fire or fusion, or by expulsion, the Jew must disappear . . ."—extending his toleration only to "the aged who no longer give birth to offspring"[55]—thereby anticipating the "final solu-

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

tion" of the Nazis. The intensity of his hatred which made the Judeophobia of his German socialist rival Karl Marx appear a model of cool objectivity, has been well described by George Lichtheim as a "fusion of backwoods barbarism with the mental chaos typical of the autodidact".[56] Certainly, there was a powerful streak of primitive barbarism in Proudhon's temperament—which expressed itself in his dislike of modern civilization, of urbanism, industrialism, intellectualism and female liberation. Proudhon's xenophobia, his denunciation of the emancipators "who persist in making woman other than what we want her"[57] (i.e., obedient, chaste etc.), his belief in Aryan superiority and his antisemitism were all indications of how far the counter-revolution had already proceeded *within the revolution*, by the time of his death in 1865.

For disciples of Proudhon, like Georges Duchêne, denunciations of *la juiverie* had become an integral part of any critique of the *féodalité financière* by the end of the Second Empire.[58] Duchêne and other Proudhonists decried ". . . l'inféodation du pays au judéo-saint-simonisme et les exactions de la féodalité",[59] they attacked speculation and usury as "l'élement essentiel des moeurs israélites" and the racial-religious particularism of the Jews. According to Duchêne, "l'esprit de nationalité chez ce peuple est porté jusqu'à la férocité; il est la nation sainte, la race d'élection; les autres lui ont ete livrées en exploitation par l'Eternel."[60] Not surprisingly, Duchêne even justified Russian-style pogroms as a legitimate form of class-struggle against usurious exploitation. "Citizens, when you hear it said that in a notoriously barbarous country [Russia] the population treats the Jews roughly, do not believe one treacherous word. What you have is simply a case of honest people (les honnêtes gens) chasing rascals, usurers, exploiters of labour; religion has nothing to do with this act of high justice."[61]

The struggle against organized religion in all its forms did however have a great deal to do with the antisemitism of another socialist school in mid-19th century France—that of the Blanquists. Louis-Auguste Blanqui, the founder of the movement and a symbol of revolutionary heroism for generations of French socialists, shared the propensity of his contemporaries to personify capitalists and bankers as grasping "Shylocks" and "Rothschilds."[62] Blanqui's deep-rooted suspicion of paper-money and modern credit institutions (characteristic of all the pre- or non-marxist schools of French socialism) no doubt influenced his image of the Jew as "the incarnation of swindling, usury and rapacity."[63] But the anticapitalism which caused him to characterise the Jews as "the horror of the nations because of their pitiless cupidity, as they had once been because of their enmity and war to the death against the human race"—does not in itself explain how some of his followers came to superimpose *racial* antisemitism (in the modern sense) on their doctrines of class-struggle.

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

The roots of Blanquist racism lay rather in their militant atheism and anti-clericalism, embodies in the slogan *Ni Dieu, Ni Maître.* In the 18th-century tradition of Voltaire, D'Holbach, Diderot and d'Alembert, the Blanquists believed the emancipation of humanity could only be achieved over the corpse of Judeo-Christian monotheism. The negation of God, the demolition of the institutional power of the Catholic Church and the overthrow of clerical obscurantism necessitated laying the axe to the root of the two-thousand-year-old monotheistic sickness. Christianity was the immediate target of this atheistic crusade since it was seen as the greatest enemy of science, progress and human reason, not to speak of republicans or socialist values.[64] Christianity, the most ferocious of the "terrible monotheistic sects" had reduced the people to a mass of docile beasts in the hands of aristocrats and capitalists. Its destruction was therefore the *sine qua non* of any new social order.

The fierce anticlericalism of the Blanquists did not however lead to a more sympathetic view of the Jews or Judaism. Instead, the last years of the Second Empire, the new racial doctrines of Renan and Gobineau were developed by the blanquists in the spirit of a "scientific" rationalist antisemitism that could be readily synthesised with their anticapitalism and Christophobia. The hatred of "Semitism" which became fashionable in the young revolutionary circles of the Second Empire focused on the Hebrew Bible as the source of Molochistic religion of human sacrifice which was presented as the root-cause of capitalist exploitation.[65] Blanqui's chief lieutenant Gustave Tridon (1804–71), one of the leaders of the Paris Commune, was the main exponent of this Manichean antisemitism which he developed in the prisons of the Second Empire, in his *Du Molochisme juif.* Tridon claimed that the Semitic Deity of the Old Testament was a "dieu assassin, hypocrite et pervers, complice et instigateur de tours les crimes," including cannibalism.[66] Biblical Judaism itself was a denounced as a religion of human sacrifice based on ritual murder. Tridon depicts the Passover festival as a cannibalistic feast—"au Pessah on immolait des hommes, on mangeait leur chair, on buvait leur sang . . ."—as a communion of crime and horror in which "la victime est crucifiée, grillée sur le feu, mangés en grande pompe."[67] Jewish Molochism with its blood-lust and inhuman fanaticism was the mortal enemy of civilization, it lay at the heart of all the social evils embodied in Capitalism and Christianity: "Le monstre de l'ére moderne, l'exploitation, fait remonter ses titres jusqu 'au Judaïsme qui voue Cham à l'esclavage et contemple dans les nations sa proie future."[68]

The central innovation in Tridon's offensive diatribe lay less in his uncomprising anti-monotheism than in the unbridgeable racial chasm which he postulated between the Aryans and Semites. Quoting Renan's dictum that "Les Sémites, comparée à la race indo-européene, presen-

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

tent une combinaison inférieure de la nature humaine",[69] Tridon contrasted the poverty of their contribution to the arts and sciences with the "Aryan" genius of Greece and Rome. "Le désert était dans leur cerveau",[70] Tridon argued, anticipating the classic antisemitic argumentation of the late 19th century, which rooted Jewish characteristics in blood, race and desert nomadism. Long before the German sociologist, Werner Sombart, Tridon derived the Jewish predisposition to capitalistic exploitation from the desert origins of the Semitic peoples—whether Carthaginians, Phoenicians, Arabs or Jews. Nothing was more remote from the "Aryan" love of nature, respect for the family and conjugal love, from the classical ideals of beauty, humanity, liberty and fraternity than the "Semitic" spirit of practical utilitarianism.[71] In advance of Edouard Drumont's *La France Juive* by twenty years, Tridon depicted the "Semitic race" as representing "le côté négatif du genre humain", "l'ombre dans le tableau de la civilisation."[72] They were not only an inferior race, they were the enemies of Aryan humanity, "the evil genius of the world." "To fight the Semitic spirit and ideas", Tridon insisted, "is the aim of the Indo-Aryan race."[73] This was a struggle for humanist values, for science and progress, dince "l'intolérance est le legs sémitique à notre monde" and "le Sémite n'a jamais pu s'élever à la comprehension de la nature."[74]

Tridon's theses, developed at the end of the 1860s, reveal how deeply racist ideas had already penetrated "progressive" circles in France. They provided a crucial link between the Voltairean negation of Judeo-Christian monotheism and the neo-pagan antisemitism of the late 19th century. Not for nothing did Edouard Drumont write in his crypto-socialist study of bourgeois decadence, *La Fin d'un Monde* (1889): "Of all the revolutionaries, only the Blanquists have had the courage to refer to the Aryan race and to proclaim that race's superiority."[75] The prophet and leader of the French antisemitic movement explicitly recognised that the *sources* of his ideology came from the Left, even if he was to develop them in a different direction.[76]

III

Modern racial antisemitism in Germany, no less than in France, was influenced by a long development in the radical wing of the political spectrum and its earliest crystallisation can be traced back to the 1840s. Far from being a post-emancipation phenomenon, its roots may be found in the radial critique of Judaism that originated with the Young Hegelians. It was this left-wing intelligentsia which first developed the basic dogma of post-Christian antisemitism, that the negative traits of Jewry were the

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

necessary product of a constant, unchanging "Jewish essence." They provided a systematic, critical and "scientific" rationale for the negation of Jewry as an anti-social element and of Judaism as a religion, tradition and way of life. The assault of the German radicals on the intellectual and social sterility of Jewry as well as their denunciation of the harmful effects of monotheistic religion, derived in part from the 18th-century French Enlightenment tradition. Like their French socialist contemporaries they absorbed the rationalist critique of Judaism as a fossilised religion whose deity was characterized as cruel, vengeful, stubborn, egotistical, imperious and absolutist.

The Young Hegelians' anthropological reduction of religion to an expression of alienated human self-consciousness led them however to more far-reaching conclusions. Jehovah had been created in the image of his "chosen" people, his absolutism therefore reflected the egoistic Jewish national spirit and desire to rule over all other nations. The estrangement of the Jewish God from Man and Nature was mirrored in the isolationist particularism and "chosenness" of the Jewish people who hated all other peoples from whom they were insulated by their Law (Torah). Behind the shield of their legal code the Jews maintained their existence in a "chimerical" world, indifferent towards and outside the stream of historical time.[77] Hence they were an *ahistorical* people, whose survival was an affront to modern progress and the critical spirit—and whose negative characteristics remained predetermined and unchangeable.[78] As we shall demonstrate, the racist assault on Jewry pioneered by such disillusioned radicals and socialists like Richard Wagner, Wilhelm Marr and Eugen Dühring already before 1880, was able to build on this Young Hegelian negation of the "Jewish essence." The antisemitic *Weltanschauung* in Germany, was by no means reactionary, anti-modernist, ultra-nationalist and culturally conservative in its origins. On the contrary, it can best be grasped as a revolutionary offshoot of the radical-democratic tradition, perfectly compatible with its anti-clericalism, anticapitalism and secularised humanism.

In comparison with France, where the socialist movement was much more developed in the 1840s, German radicals had to wrestle much more intensely with the problem of historical backwardness. As Karl Marx wrote in 1843: "what for advanced nations is a *practical* quarrel with modern political conditions is for Germany, where such conditions do not yet exist, a *critical* quarrel with their reflection in philosophy."[79] The debate on the *Judenfrage* opened up in 1843 by the radical Protestant theologian turned militant atheist, Bruno Bauer (1809–82) was precisely such a "critical quarrel," conducted in high-flown philosophical language. Yet its importance remains seminal, not least because twenty years later, Bruno Bauer was to return to the Jewish question and to put forward the thesis that Jews were *racially* incompatible with the German

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

people—a claim that makes him one of the founders of modern anti-*Semitism*.[80] Though Bauer's politics had in the meantime changed (from left-Hegelian to Prusso-Christian conservative), his basic premises with regard to Jewry remained constant. In this as in other cases, the original contribution of the young Hegelians lay in their "historicism"—their translation of rationalist objections to Judeo-Christianity into new social and historical categories.

Bruno Bauer's central indictment of the Jew—that he resists history—that his stubborn particularism meant a war against the law of progress, derived from a one-sided reading of Hegel. The great German philosopher had indeed presented Judaism as a lower form of revelation in comparison to Christianity and he had denied it any influence over the development of modern Western culture. Equally, he argued that it had already completed its spiritual destiny in the Oriental world Bauer also attributed the unhistorical character of Jewry to this static oriental heritage[81] but in spite of his antipathy to Judaism, Hegel like Marx after him, insisted that that according to the principles of the *Rechtstaat*, Jews were entitled to equal rights.[82] Bruno Bauer, on the other hand, rejected Jewish emancipation on the grounds that German Jewry had excluded itself by its separatism and attachment to an illusory Jewish Law; furthermore, the Jews had contributed nothing to the liberation of the Germans who were themselves not emancipated. Moreover, the Prusso-Christian State, from whom the Jews demanded civil equality, was *a priori* incapable of granting human or political rights to non-Christians, since its very "essence" was based on religious prejudice, exclusivism and privilege.[83]

Bauer's analysis of the position of Jews in Christian States, his advocacy of the complete abolition of religion and the establishment of an atheist State was not necessarily shared by other left Hegelians. But his attacks on the Talmud, on "Jewish Jesuitry" and the claim of chosenness, on Jewish "egoism" and the parasitic social role of Jewry were largely accepted by other German radicals, including Feuerbach and Marx. Ludwig Feuerbach (1804–72), although not personally antagonistic to Jews, played a particularly important part in developing the anti-Jewish stereotype that became fashionable in left-wing circles. His anthropological humanism led him to idealise the pagan world-outlook which accepts nature as it is and encourages an aesthetic or contemplative attitude towards life.[84] By contrast he attacked Judaism for what he called its philistine downgrading of the arts and sciences, its selfish drive for the satisfaction of private needs and its atomistic view of the individual as an end in himself. Even in comparison with Christianity, Judaism was theoretically narrow, self-centred and devoid of ethical content. It could not free itself from "the limits of a particular national interest," from ethnocentrism and juridical positivism.[85] Essentially,

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

Judaism was a form of practical utilitarianism whose roots lay in the dogma of creation *ex nihilo* and "the unfathomable depth of Hebrew egoism."[86] Egoism was the God of the Jews, the projection of their own ego. "God is the ego of Israel which regards itself as the end and aim, the lord of nature."[87]

This Feuerbachian image of the Jew was widely shared by other Young Hegelians like Bauer, Arnold Ruge, Stirner, Daumer, Marx and Moses Hess in the 1840s—all of whom portrayed Judaism (and to a lesser extent Christianity) as a form of egoistic materialism clothed in religion. Moses Hess, who first extended Feuerbach's analysis of religious self-alienation to economics, also went furthest in drawing a parallel between the egoism of the "modern Jewish-Christian pedlar world" and the logic of Judaism. According to Hess, in his essay *Uber das Geldwesen* (1845), man in the modern commercial world enjoys money "like a predator," in a "brutal, bestial, cannibalistic manner"—a fact which he links to the mystery of Jewish and Christian blood-worship. "The Jews, whose world-historical task in the natural history of the animal world was to develop the beast of prey out of humanity, have now at last fulfilled this vocation. The mystery of Judaism and Christianity has become visible in the modern Judeo-Christian world of shopkeepers."[88] Hess's virulent anti-Judaism in this period appears to be connected with his view of the Jewish God as an insatiable Moloch that demands human sacrifice, just as in his Christian form he had demanded the crucifixion of his own son.[89]

This gruesome imagery had been made fashionable in Young-Hegelian circles by the work of two friends of Feuerbach, Georg Friedrich Daumer (1800–1875) and Friedrich Wilhelm Ghillany (1807–76) both of whom were obsessed with research into "human sacrifices as practised by Jews, ancient and modern."[90] Daumer, like Bruno Bauer, had been influenced in his anti-Christian anti-Judaism by the notorious work of Eisenmenger, *Das Entdeckte Judentum* (1700) which he heartily recommended to Feuerbach in April 1842, adding: "you will find in it excellent proofs for a presentation of Judaism as the religion of egoism."[91] In another letter to Feuerbach in April 1842, Daumer talked about "the cannibalism in the Talmud," about human blood being drunk during Purim, about the "bloody mysteries of the Rabbanites and Talmudists, the Sabbatians who border on Christianity, and the Hasidic sects who are so numerous in Slav lands . . . [92] He promised Feuerbach "unbelievable" information about Jewish ritual murder of their own and Gentile children. Daumer regarded early Christianity in an equally hostile and unflattering light as a confraternity of cannibals—Jesus, he suggested, was the prototype of the "cannibal Jew," the founder of a fanatical sect which had perpetuated the cannibalism of the ancient Semites. Daumer reinterpreted the Last Supper as an anthropophagous

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

ceremony, asserting that ". . . the idea of the human victim sacrificed to God is the fundamental idea of Christianity." Its subsequent history from Golgotha to the Inquisition, including the burning of heretics, witches and Jews was one long chain of ritual murders.

Daumer's study *Die Geheimnisse des christlichen Altertums* (1847) made a considerable impact in German revolutionary circles. It was welcomed by Karl Marx in November 1847 (some years after he had broken with the young Hegelians) for dealing "the last blow to Christianity" and as a sign that "the old society is approaching its end and that the structure of falsehood and prejudice is collapsing."[93] Daumer's aggressive, militant atheism also made its impact in French socialist circles in a translation by Hermann Ewerbeck (the Paris leader of the German Communist "League of the Righteous") entitled, *Qu'est ce que la Bible d'après la nouvelle philosophie allemande.* It is quite possible that the anti-Molochism of the Blanquist socialists, especially Gustave Tridon and Albert Regnard, was influenced by Daumer's work. Certainly, the anti-christian polemics of German radical antisemites like Wilhelm Marr, Eugen Dühring, Otto Glagau and Theodor Fritsch derives from the same subterranean well-spring of ideas.

The impact of Young Hegelianism did not however lead in linear fashion towards the adoption of an antisemitic world-view or to a specific political commitment. Some left-Hegelians like Strauss, Ruge and Bruno Bauer eventually became defenders of Prussian conservatism or the Bismarckian staus quo, others like Marx, Engels and Moses Hess were converted to Communism and yet others, like Feuerbach (after a brief enthusiasm for Weitling's utopian socialism) turned apolitical. Similarly, with regard to the Jewish question, there was a broad spectrum of opinion within the radical and ex-radical camp. Nevertheless, it is possible to see the Feuerbachian critique of Judaism in the early 1840s as a seedplot of future developments. This becomes apparent when we examine the outlook of three seminal figures who had been influenced by the Feuerbachian anthropology in their youth—Karl Marx, Richard Wagner and Wilhelm Marr.

Marx's materialist theory of Judaism (with all its implications for German Social Democracy and the international Communist movement) derived directly from the Feuerbachian model. Just as he agreed with Bruno Bauer's attack on the "Jewish Jesuitry" of the Talmud, so Marx accepted Feuerbach's characterisation of the Jew as the "worldly Christian" and of Judaism as a religion based on "practical need." The Marxian portrait of the *worldly Jew* went a stage further in identifying the Jewish essence with money—"the jealous god of Israel before whom no other god may stand."[94] Inverting Bruno Bauer's emphasis on the *Sabbath Jew,* Marx declared that "the *chimerical* nationality of the Jew is the nationality of the merchant, of the money-man in general."[95] In

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

the spirit of Feuerbach's transformational criticism, Marx transferred the Jewish question from the sphere of theology to that of society and politics. He shared the Bauer/Feuerbach assumption that the Jewish religion embodied "actual contempt for and practical degradation of nature," not to speak of "contempt for theory, for art, for history, for man as an end in himself."[96] Marx's emphasis was not however on religion, but on its secular basis. "The god of the Jews has been secularised and become the god of the world. Exchange is the true god of the Jew. His god is nothing more than illusory exchange."[97]

The novelty in Marx's argument was his suggestion that "the real essence of the Jew is universally realized and secularized in civil society."[98] In other words, the real problem was rooted in *die bürgerliche Gesellschaft*, in existing bourgeois life which was increasingly producing "real, secular Jews" through the cash-nexus and the monetary system.[99] It was not so much a question of political emancipation for Jews in bourgeois society—the real issue was to destroy "the *empirical* essence of Judaism, buying and selling, and its presuppositions"—such "an emancipation from haggling and money, from practical, real Judaism would be the self-emancipation of our age."[100] There can be no doubt that Marx's language exploited all the deeply rooted anti-Jewish stereotypes in Christian society and culture. At the same time it also constituted a radical overturning from *within* that language, of Christianity itself, which "has overcome real Judaism in appearance only." For it was in the heart of the Christian bourgeois world that "money has become a world power and the practical Jewish spirit has become the practical spirit of the Christian peoples."[101] Thus Marx's radical solution for the problem of social emancipation, logically lead him in spite of his antisemitic vocabulary in a revolutionary communist direction—towards the overthrow of private property and the capitalist system. The dissolution of Judeo-Christianity ultimately seemed little more than a detour for Marx along this road.

For Richard Wagner, the "Jewish question" also appeared primarily as a *Frage der Gesellschaft*, and like Marx he recognised that the Jews could no longer be denied their right of entry to a society "that needed nothing but gold."[102]

For Wagner, too, "In the present state of things the Jew is more than free, for he dominates; and as long as money continues to be the power before which all our doings and strivings are as nought, he will continue to do so."[103] Anticapitalism was however only one aspect of Wagner's far-reaching negation of the Jew which was more far-reaching than that of his radical contemporaries. In his *Judaism in Music* (1850) he comes to the conclusion that in striving for Jewish emancipation, both he and the liberals with whom he had once identified, were engaged in "a mere

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

play of the mind," that they were "more the champions of an abstract principle than of a concrete case."[104] There had never been any real sympathy since he continued to be repelled "by any prospects of actual and practical contact with them [the Jews]."[105] Following the failure of the 1848 revolution in which Wagner had participated with Bakunin on the barricades, he became convinced that the issue was no longer Jewish emancipation but "emancipation from the Jewish yoke."[106] With this slogan and with his espousal of the *völkisch*, communitarian myth from which the Jew was irrevocably excluded, Wagner became the forerunner of a revolutionary "romantic religion" which arose out of his disenchantment with liberal rationalism. The Wagnerian diatribes in 1850 against *die Verjudung der modernen Kunst*[107] heralded the subsequent emergence of a fully-fledged antisemitic world-view based on aggressive nationalism, anti-modernism and an irrationalist longing for a new world of vitality, magic and folk-myth. Yet the Wagnerian vision remained a reaction *within* the revolution, one that transformed the Jew into—"the evil conscience of our modern civilization," into a counter-symbol of the communitarian folk-democracy. "But alone with Jehovah, the Jews stood outside all such [the creations of the community], his race divided and bereft of native land, with all development denied to it . . . Two thousand years of intercourse with European nations have not sufficed to eradicate peculiarities of the Semitic mode of expression, which has defeated all culture through the strange obstinacy of Jewish nature."[108]

The image of the Jew as an alien being standing outside of history, evolution and the artistic development of the *Volk* was to become a central theme in the slowly crystallising ideology of German racial antisemitism. Significantly enough, it was another ex-radical, Bruno Bauer who gave it new impetus with his book *Das Judentum in der Fremde* (1863). As he had done twenty years earlier, Bauer continued to emphasise the unchanging, "chimerical" character of the Jewish Law and the isolationism of the Jewish people; only now these characteristics were attributed to blood and race.[109] Neither conversion to Christianity nor total assimilation could eradicate the timeless character of the Jewish race, whose blood heritage was fundamentally different from that of the Christian peoples of Europe. Hence for Bauer, Jewish emancipation had now become an *a priori* impossibility. Curiously enough, Moses Hess in his proto-Zionist work, *Rome and Jerusalem* (1862) paralleled some of Bauer's arguments, writing that "the Jewish race is one of the primary races of mankind, and it has retained its integrity despite the influence of changing climatic environments."[110] For Bruno Bauer, this Jewish race-purity was a danger to the Germans, for Hess it was a sign that the Jews had preserved the living kernel of their nationality. It is not known whether Hess was familiar with Bauer's antisemitic work, but it does

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

lend more weight to his claim in *Rome and Jerusalem* that "the Germans hate the religion of the Jews less than they hate their race—they hate the peculiar faith of the Jews less than their peculiar noses."[111]

This race-hatred did not, however, develop in a historical vacuum. Indeed, as we have argued, in both France and Germany, it grew out of the anthropological critique of monotheistic religion, subsequently clothing itself in the 1860s in the fashionable scientific-sounding concept of "Semitism"—a term that appeared free of the religious and reactionary associations of traditional, religious Jew-hatred *(Judenhass)*.[112] Wilhelm Marr, the radical journalist who first popularised *Antisemitismus* as a political concept in Germany, is a perfect illustration of this dialectic. In the early 1840s Marr had been a member of *Young Germany* and a utopian communist émigré in Switzerland. At that time he had published and distributed Bruno Bauer's scurrilous attack on Christianity, *Das Entdeckte Christentum* (1843) in Zurich, and also popularised the teachings of Feuerbach. "The negation of each and every religion" in the spirit of the rationalistic Enlightenment and Young Hegelian atheism was to remain a central feature of Marr's outlook in the 1880s.[113] The failure of the 1848 revolution led him away, however, from the liberalism of the radical-democratic tradition towards a greater emphasis on the rights of the majority and the importance of ethnic homogeneity.[114] Marr's fierce anti-liberalism and his dislike of Jews was also fed by resentment at the political success of Jewish rivals like Gabriel Riesser in his native Hamburg.[115]

It was in 1862 that Marr for the first time challenged the principle of Jewish civil equality with arguments that read like a synthesis of the writings of the older and younger Bruno Bauer.[116] According to Marr, the Jews did not deserve emancipation until they had freed themselves from their religious prejudices and tribal way of life, which he imagined had remained unchanged since the time of the Biblical Patriarchs. Emancipation would mean granting *privileges* to a minority which remained a "state within a state," it would entail the coercion of the Christian-German majority by an alien tribe. The Jews were not merely a religious group, they were a tribal-racial community *(Stamm)* whose characteristics were fundamentally incompatible with the German people. Jewish particularism could not be eradicated by legislation, since it was a product of their "inner nature," their Oriental essence. Moreover, as a radical democrat, Marr argued that to grant equality to such a community would strengthen clericalism and reaction within the State as well as arousing popular revolt. From his arguments, it appeared that the very existence of Jewry in a non-Jewish society was an obstacle in the way of general emancipation.

Marr's rejection of Judaism was logically consistent with his nega-

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

tion of Christianity and religion in general as a "malady of the human consciousness".[117] In the spirit of Feuerbach he wrote that the notion of God was simply that of a deified man and that all religions were "a subjective product of man's conscious life," a fantastic reflection of his state of culture.[118] The Judeo-Christian superstition had, however, demoralized man and corrupted his healthy nature. As in the case of Eugen Dühring, this led Marr at the end of the 1870s into a fully-fledged secularized *Judenhass* which claimed to non-denominational, "scientific" and as anti-christian as it was anti-Jewish.[119] Christianity itself was part of the problem, for as Dühring would put it, "those who wish to cling to the entire Christian tradition are in no position to turn against Judaism with sufficient force."[120] Christianity contained so many "Semitic" elements, like all religion it was part of the "Asiatic" legacy to the West which had to be stripped off, if the Germanic peoples were ever to achieve full liberation.[121]

Dühring, like Marr, an atheist and a former disciple of Feuerbach, represented the last stage in the crystallisation of German racial antisemitism as a coherent ideology. In Dühring's writings all of the most modern trends of 19th-century "scientism" coalesce—socialism, anthropological positivism, physical-physiological determinism, the paradigm of the biological sciences and the myth of race. Dühring's antisemitism was part of a cosmic synthesis, an attempt to create a new Nordic-Germanic secular faith or to quote the title of one of his best-known works, *The Substitution of Religion by the More complete and the exclusion of Judaism by the modern folk-spirit.*[122] For this purpose the yoke of "Hebraic orientalism," of the Old and the New Testaments which had sundered man from nature and reality, from nation and landscape, had to be overthrown.[123] In the ex-socialists Dühring and Marr, both of whom unquestionably came from the Left and retained their radical, secularist outlook, the new *Antisemitismus* anchored in a naturalistic imagery that derived from the biological sciences, was to assume a more systematic shape.

IV

What conclusions then may one draw from our analysis of the radical contribution to antisemitic ideology in France and Germany in the period before 1870? In the first place, it must be emphasised that this contribution was formidable both in quality and quantity, necessitating a revision of the conventional wisdom concerning the historiography of modern antisemitism.[124] Far from standing at the opposite pole to "progressive" trends of thought, antisemitism developed organically out of a

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

radical, secular, "scientific" world-view in both France and Germany—the two countries which were its ideological birthplace. If it subsequently became a so-called "counter-revolutionary" ideology, then as we have shown, this reaction first took place *within* the revolutionary camp itself. The antisemitism of the 1870s was in fact a direct descendant of the radical critique of Judaism and monotheistic religion, drawing further sustenance from the socialist attack on the morality of the bourgeois-Christian world. If this was indeed a counter-emancipatory movement then it was formulated within the framework of a universal, emancipatory world-view. It would be difficult to accuse any of the ideologues mentioned here of *religious* obscurantism, conservative romanticism, traditionalism or a consistently reactionary stance on social problems. Their anti-Judaism and their hostility to Jewry was a post-Christian and a post-Enlightenment phenomenon, an integral part of their universalist vision of social and national liberation.

They were the inheritors of an emancipatory doctrine which had originally argued that Jews could only be regenerated by abandoning their historic particularism. By the late 1870s many of them had already come to the conclusion that the very concept of a dejudaised Jewry was an illusion.

Henceforth, in the words of Wilhelm Marr there would be no question "of parading religious prejudices when it is a question of race and when the difference lies in the 'blood'."[125] The populist movements of the 1880s and 1890s in both France and Germany were to build on this ideological foundation, transforming antisemitism into a major *political* concept—both as a force for national integration and as a lever against liberal democracy. It was only in the 20th century that an ideology whose origins owed as much to the political Left as to its rivals, became a powerful weapon of mass mobilisation for radical Right in its struggle for power.

HEBREW UNIVERSITY OF JERUSALEM

NOTES

1. Arthur Hertzberg, *The French Enlightenment and the Jews* (New York, 1970), p. 7

2. "Letters from the Franco-German Yearbook," in Karl Marx, *Early Writings* (London, 1975), p. 201.

3. "A Contribution to the Critique of Hegel's Philosophy of Right." Introduction, *ibid.*, p. 245. "If I negate the situation in Germany in 1843, then according to the French calendar I have barely reached 1789, much less the vital centre of our present age."

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

4. Robert A. Kann, "Assimilation and Antisemitism in the German-French Orbit in the Nineteenth and Early Twentieth Century," *Leo Baeck Yearbook*, Vol. XIV (1969), p. 98.

5. See Gerhard Schulz, "Der spāte Nationalismus in deutschen politischen Denken des neunzehnten Jahrhunderts", in: Hans Liebeschutz and Arnold Paucker (eds.), *Das Judentum in der deutschen Unwelt 1800–1850. Studien zur Frühgeschichte der Emanzipation* (Tübingen, 1977).

6. On the etymology and evolution of this concept, see Jacob Toury, "The Jewish Question—A Semantic Approach," *Leo Baeck Yearbook*, Vol. XI (1966), pp. 85–106.

7. Reinhard Rürup, "Emancipation and Bourgeois Society", *ibid*, Vol. XIV, (1969), p. 73 also points out that whereas in France "reliance was placed on the integrating force of society"—in Germany, public opinion looked to the State to resolve the Jewish problem.

8. Reinhard Rürup, "Kontinuität und Diskontinuität der 'Judenfrage' im 19. Jahrhundert. Zur Entstehung des modernen Antisemitismus," in: Hans-Ulrich Wehler (ed.), *Sozialgeschichte Heute. Festschrift für Hans Rosenberg zum 70. Geburtstag* (Göttingen, 1974).

9. George Lichtheim "Socialism and the Jews," *Dissent* (July-August, 1968), p. 333.

10. For a good example of this tendency, see Victor M. Glasberg, "Intent and Consequences: The 'Jewish Question' in the French Socialist Movement of the Late Nineteenth Century," *Jewish Social Studies*, Vol. 26, No. 1 (January, 1974), pp. 61–71.

11. *Ibid*, p. 66.

12. Pierre Leroux, "Les juifs, rois de l'époque," *Revue Sociale* (January, 1846), p. 51.

13. *Ibid.*

14. See, for example, Henri de Saint-Simon, *Le nouveau christianisme et les écrits sur la religion* (Paris, 1969), p. 147. Also Jacob Talmon, *Political Messianism: The Romantic Phase* (London, 1971), p. 70.

15. Pierre Leroux, *op. cit.*

16. Robert S. Wistrich, "Karl Marx and the Jewish Question," *Soviet Jewish Affairs*, Vol. 4 (1974), pp. 53–60.

17. Alphonse Toussenel, *Les Juifs. Rois de l'Epoque. Histoire de la féodalité financière* (Paris 1845), pp. 4–5.

18. *Ibid.*, p. xxviii. Also p. 178.

19. *Ibid.*, p. 249.

20. *Ibid.*, pp. 30–31. "L'Angleterre vit de mercantilisme et de l'exploitation commerciale de tous les peuples."

21. *Ibid.*, pp. 74–169.

22. *Ibid.*, pp. 27.

23. *Ibid.*, p. 4

24. *Ibid.*, p. 256.

25. *Ibid.*, p. 107.

26. See Pierre Birnbaum, *Le Peuple et les Gros, Histoire d'un mythe* (Paris, 1979).

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

27. Toussenel, *op. cit.*, p. 22.
28. *Ibid.*, pp. 73, 336.
29. *Ibid.*, p. 338.
30. *Oeuvres Complètes de Charles Fourier*, 12 vols. (Paris, 1966–68) Edmund Silberner, "Charles Fourier on the Jewish Question," *Jewish Social Studies*, Vol. 8, No. 4 (October, 1946), pp. 245–266.
31. *Ibid.*
32. Jacob Talmon, *Political Messianism: The Romantic Phase*, *op. cit.*, pp. 35 ff.
33. Toussenel, *op. cit.*, p. vii.
34. Toussenel, 4th ed. (1888), Vol. I, p. xxxii ". . . It is not I who, in the early editions of this book appeared to be begging the public's pardon for indicting the Jewish race . . . I leave the responsibility for the act of contrition to the Publishers of the *Librairie Sociétaire*."
35. *Ibid.*, Vol. I, p. xxiv.
36. *Ibid.*, pp. 118 ff. Also Edouard Drumont, *La France Juive* (Paris, 1886), Vol. I, p. 346. Another antisemitic socialist in the same tradition, Auguste Chirac, observed three years before Drumont that "all of Toussenel's prophecies have proven correct." See his *Les Rois de la République: histoire des juiveries* (Paris, 1883), Vol. I, p. 5.
37. Edouard Drumont, *op. cit.* See also Louis Thomas, *Les Précurseurs: Alphonse de Toussenel. Socialiste national, antisémite. 1803–1885* (Paris, 1941).
38. P-J. Proudhon, *Césarisme et Christianisme* (Paris, 1883), Vol. I, pp. 139–140.
39. *Ibid.*
40. *Ibid.*
41. *Carnets de P-J. Proudhon. Texte inédit et intégral*, Pierre Haubtmann (ed.), (Paris, 1960–61), Vol. II, pp. 337–8.
42. *Carnets*, Vol. II, p. 150.
43. *Ibid.*
44. See Léon Poliakov, *Histoire de l'antisémitisme. De Voltaire à Wagner* (Paris, 1968), pp. 103–118. Also Arthur Hertzberg, *op. cit.* who sees in Voltaire the key figure in the emergence of modern "post-Christian" antisemitism.
45. P.-J. Proudhon, *De la justice dans la révolution et dans l'église* (Paris, 1858), Vol. I, p. 445.
46. *Carnets*, Vol. II, pp. 23, 52.
47. P.-J Proudhon, *Jésu et les origines du christianisme* (Paris, 1896), p. 122.
48. *Ibid.*, p. 121.
49. *Ibid.*, pp. 9, 60, 127, 179. "Jésu n'est pas le fils du prophétisme hebreu, dur, rigide, sévère, cruel même" (p. 9).
50. P.-J. Proudhon, *Système de contradictions économiques* (Paris, 1846), Vol. II, pp. 139–140.
51. P.-J. Proudhon, *De la justice*, Vol. IV, *op. cit.*, p. 458.
52. P.-J. Proudhon, *France et Rhin*, (Paris, 1867), pp. 258–260.
53. *Carnets*, Vol. II, *op. cit.*, pp. 337–8.
54. Zeev Sternhell, *La Droite Révolutionnaire 1885–1914. Les Origines Françaises du Fascisme* (Paris, 1978), pp. 196–7, 384–400.
55. *Carnets*, Vol. II, *op. cit.*, p. 338.
56. George Lichtheim, "Socialism and the Jews", *op. cit.*, p. 323. See also H.

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

de Lubac, *Proudhon—The Unmarxian Socialist* (London, 1948), p. 58, and Edmund Silberner, "Proudhon's Judeophobia," *Historia Judaica*, Vol. 10 (1948), pp. 61–80.

57. Léon Poliakov, *A History of Antisemitism*, (Paris, 1975), Vol. III, p. 377–379.

58. G. Duchêne, *L'Economie politique de l'Empire* (Paris, 1870), p. ii. Also J. Dubois, *Le Vocabulaire Politique et Social en France, 1869–72* (Paris, 1962).

59. G. Duchêne, *op. cit.*, p. 86.

60. G. Duchêne, *L'Empire industriel. Histoire critique des concessions financières et industrielles du Second Empire* (Paris, 1869), pp. 63–64.

61. *Ibid.*, p. 169.

62. Alan R. Spitzer, *The Revolutionary Theories of Louis Auguste Blanqui* (New York, 1970), pp. 80–82.

63. *Ibid.*

64. *Ni Dieu, Muître*, 21 November 1880, 6 November 1881.

65. See Albert Regnard, *Aryans et Sémites. Le Bilan du Judaisme et du Christianisme* (Paris, 1890), p. 6.

66. Gustave Tridon, *Du Molochisme Juif. Etudes critiques et philosophiques* (Bruxelles, 1884), pp. 127–8.

67. *Ibid.*

68. *Ibid.*, p. 7.

69. *Ibid.*, p. 5.

70. *Ibid.*, p. 10.

71. *Ibid.*, pp. 10–11.

72. *Ibid.*, p. 13.

73. *Ibid.*, p. 5.

74. *Ibid.*, p. 50.

75. Edouard Drumont, *La Fin d'un Monde* (Paris, 1889), p. 185. In Benoît Malon's *La Revue Socialiste* (Août, 1889), No. 56, pp. 251–3, Tridon is presented as a martyr of socialism and "la libre pensée," as well as a forerunner of "scientific" antisemitism.

76. See also, A. Regnard, *Aryens et Sémites, op. cit.*, p. 42. Regnard, a leading Banquist and admirer of both Tridon and Drumont, also claimed that "scientific socialism" was a "Franco-German creation" . . . "c'est-à-dire aryenne dans toute la force du terme."

77. See Bruno Bauer, *Die Judenfrage* (Brunswick, 1843). I have used here the French translation, Bruno Bauer, *La Question Juive* (Paris, 1968).

78. *Ibid.*, pp. 64, 70.

79. Karl Marx, "Critique of Hagal's Philosophy of Right," *op. cit.*, p. 79. "We are the *philosophical* contemporaries of the present without being its *historical* contemporaries."

80. See Ernst Barnikol, *Bruno Bauer, Studien und Materialen* (Assen, 1972).

81. Bruno Bauer, *op. cit.*, p. 71.

82. See Shlomo Avineri, "Marx and Jewish Emancipation," *Journal of the History of Ideas* Vol. 25, No. 2 (1964), pp. 445–450.

83. Nathan Rotenstreich, "For and Against Emancipation: The Bruno Bauer Controversy," *Leo Baeck Yearbook*, Vol. IV (1959), pp. 3–36 gives the best summary of Bauer's standpoint and that of his Jewish critics.

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

84. See Eugene Kamenka, *The Philosophy of Ludwig Feuerbach* (London, 1970), pp. 13–32.

85. Ludwig Feuerbach, *Essence of Christianity*, tr. George Eliot, (London, 1958), pp. 121, 208–9.

86. *Ibid.*, p. 117.

87. *Ibid.*, p. 1339.

88. T. Zlocisti (ed.), *Moses Hess. Sozialistische Aufsätze 1841–1847* (Berlin, 1921), p. 182.

89. *Ibid.*, p. 45.

90. G.F. Daumer, *Der Feuer-und Molochdienst der alten Hebräer als urväterlicher, legaler, orthodoxer Cultus der Nation* (Brunswick, 1842). Also F. W. Ghillany, *Die Menschenopfer der alten Hebräer, Eine Geschichtliche Untersuchung* (Nuremberg, 1842) and *Die Judenfrage. Eine Beigabe zu Bruno Bauers Abhandlung über diesen Gegenstand* (Nuremberg, 1843), and Rotenstreich, *op. cit.*, pp. 18–21.

91. See Julius Carlebach. *Karl Marx and the Radical Critique of Judaism (London, 1978)*, p. 389.

92. *Ibid.*

93. *Marx-Engels Gesamtausgabe* (MEGA) I, 6, pp. 640–641.

94. Karl Marx, *Early Writings* (London, 1975), p. 320.

95. *Ibid.*

96. *Ibid.*

97. *Ibid.*

98. *Ibid.*, p. 238.

99. *Ibid.*, p. 241

100. *Ibid.*, p. 237.

101. *Ibid.*

102. Richard Wagner, *Das Judentum in der Musik* (Leipzig, 1869)

103. *Ibid.*, p. 12.

104. *Ibid.*, p. 10.

105. *Ibid.*

106. See *Jakob Katz, Sin'at Yisrael* (Jerusalem, 1979), p. 164 [Hebrew edition].

107. *Ibid.*

108. Richard Wagner, *Das Judentum . . . , op. cit.* p. 15. For an elaboration of Wagner's influence, see Hartmut Zelinsky, *Richard Wagner—ein deutsches Thema. Eine Dokumentation zur Wirkungsgeschichte Richard Wagners 1876–1976* (Frankfurt A. M., 1976)

109. Bruno Bauer, *Das Judentum in der Fremde* (Berlin, 1863), pp. 8–10.

110. Moses Hess, *Rom und Jerusalem. Die letzte Nationalitätenfrage* (Tel Aviv, 1935), p. 26.

111. *Ibid.*, p. 25.

112. On the uses of "Semitism," see S. Volkov, "Antisemitism as a Cultural Code: Reflections on the History and Historiography of Antisemitism in Imperial Germany," *Leo Baeck Yearbook*, Vol. 23 (1978)), pp. 25–46. Also Bernard Lewis, *Semites and Antisemites* (New York, 1986); and Robert S. Wistrich, *Antisemitism. The Longest Hatred* (London, 1991), pp. 46–50, 252–253.

113. See Wilhelm Marr, *Das Junge Deutschland in der Schweiz* (Leipzig, 1846)

114. Moshe Zimmermann, "Me radicaliut le-antishemiut", in: Schmuel Almog (ed.), *Sin'at Yisrael le-doroteah* (Jerusalem, 1980), pp. 263–277.

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

115. M. Zimmermann, "Gabriel Riesser und Wilhelm Marr in Meinungestreit," *Zeitschrift des Vereins für hamburgische Geschichte* (1975), pp. 59–84.

116. Zimmermann, "Me radicaliut . . . ", *op. cit.*, pp. 269–272.

117. For Marr's virulent anti-Catholicism, see his *Streifzüge durchdas Koncilium von Trient—Voltaire frei nacherzählt*, (Hamburg, 1868); and W. Marr, *Religiöse Streifzüge eines philosophischen Touristen* (Berlin, 1876).

118. W. Marr, *ibid.*, pp. 95–96.

119. Uriel Tal, *Yahadut ve natzrut be-Reich ha-sheni, 1870–1914* (Jerusalem, 1969), pp. 205–224.

120. Eugen Dühring, *Die Judenfrage als Rassen-Sitten und Kulturfrage* (Karlsruhe, 1881), p. 27.

121. *Ibid.*, p. 25.

122. Eugen Dühring, *Der Ersatz der Religion durch Vollkommeneres und die Ausscheidung alles Judentums durch den modernen Völkergeist* (Karlsruhe, 1883), p. 63.

123. *Ibid.*

124. Eleanore Sterling, *Er ist Wie Du. Aus der Frühgeschichte des Antisemitismus in Deutschland (1815–1850*, (Munich, 1956); and Peter Pulzer, *The Rise of Political Antisemitism in Germany and Austria* (New York, 1964, new ed., 1988). Also Reinhard Rürup, "Emancipation and Crisis—The 'Jewish Question' in Germany 1850–1890," *Leo Baeck Yearbook*, Vol. 20 (1975), pp. 3–26; and for a pioneering if slightly dated approach, Shmuel Ettinger, "Biqoret ha-Dat ha-yehudit shel ha-hegelianim ha-tseirim", in his essay collection, *Ha-antishemiut be-et ha-hadasha* (Tel Aviv, 1978; new ed., 1989), pp. 89–98.

125. Wilhelm Marr, *Von jüdischen Kriegeschauplatz. Eine Streitschrift* (Bern, 1879), p. 19.

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

SILENT TRAVELERS

Germs, Genes, and the "Immigrant Menace"

ALAN M. KRAUT

"Fascinating. . . . Kraut's narrative shows that it has always been easier to blame immigrants for epidemics than to attack the infrastructure of the disease."—*New York Times*

Alan Kraut shows how immigrant groups have been slandered as carriers of particular diseases—the Irish with cholera, Italians with polio, Jews with tuberculosis. Of course, these new immigrant populations, made up of impoverished laborers living in urban America's least sanitary conditions, were victims of illness rather than its progenitors.

$15.95 paperback

IN THE ALMOST PROMISED LAND

American Jews and Blacks, 1915-1935

HASIA DINER

"Vividly illustrates the well-known but little-understood phenomenon of Jewish support for a better life for American blacks." —*Cithara: Essays in the Judeo-Christian Tradition*

$14.95 paperback

THE JEWISH PEOPLE IN AMERICA

HENRY L. FEINGOLD, GENERAL EDITOR

The five volumes of the widely acclaimed *The Jewish People in America* are now available individually in paperback.

$14.95 each

VOLUME I:
A TIME FOR PLANTING
The First Migration, 1654-1820
ELI FABER

VOLUME II:
A TIME FOR GATHERING
The Second Migration, 1820-1880
HASIA R. DINER

VOLUME III:
A TIME FOR BUILDING
The Third Migration, 1880-1920
GERALD SORIN

VOLUME IV:
A TIME FOR SEARCHING
Entering the Mainstream, 1920-1945
HENRY L. FEINGOLD

VOLUME V:
A TIME FOR HEALING
American Jewry since World War II
EDWARD S. SHAPIRO

THE JOHNS HOPKINS UNIVERSITY PRESS

Hampden Station, Baltimore, Maryland 21211 • To order, call 1-800-537-5487.

Downloaded from http://mj.oxfordjournals.org/ at Mount Royal University on June 9, 2015

Lupus Occultus: The Paganized Christianity of C. S. Lewis

by Jeremy James

C S Lewis is well known among born-again Christians as a ‘Christian’ writer, someone whose inclusive religious viewpoint is of particular relevance to the world we live in today. I would hope to show that this perception of Lewis is not only gravely mistaken but that it arose through deliberate misdirection on the part of Lewis himself. In 2008, after 33 years as an active participant in the New Age movement, I finally came to Christ. As I found my feet and met with other born-again Christians, I discovered that many Evangelicals, as well as Christians the world over, were keen readers of C S Lewis. They revered him as a great Christian author and apologist for true, Bible-believing Christianity. Frankly, this was a great surprise to me because, as a longtime practitioner of the New Age, I knew what C S Lewis was ‘really’ teaching. Anyone with a deep familiarity with New Age philosophy, or with a grounding in Theosophy or the occult generally, knows that C S Lewis was about as Christian as the Dalai Lama. Religious, yes. Philosophical, yes. But Christian? Never.

Occult England

Lewis was moulded in the long tradition of high-Anglican British atheism, spiritism and oriental thought. Long before John Dee and Edward Kelly, two high level occultists who advised Queen Elizabeth I, a large segment of the English upper classes was involved in magic and a study of the occult books which started to flow into Europe after the Crusades. The English Reformation was mainly a political movement which, in the long run, had little impact on the religious beliefs of the ruling classes. Their fascination with the occult and the paranormal spread through the Anglican Church and led to a state-sponsored brand of Christianity which was purely ceremonial in nature. The Methodist, Presbyterian, Plymouth Brethren and other Bible-based churches emerged to fill the colossal void left by the established church, most of whose clergy and prelates were either non-believers, theists or spiritualists. Lewis was a high Anglican with strong leanings toward the Roman Catholic Church. Raised in the Church of Ireland, he worked through an atheistic phase in his youth to become a theist – a believer in a deity, but not yet a Christian. His alleged conversion came in 1931, when he was aged 33 or thereabouts and a tenured academic at Oxford. He then joined the Church of England, even though his close friend, JRR Tolkien, wanted him to enter the Roman Catholic Church. Many scholars who have studied this phase of Lewis’s life have been unable to identify anything in his conversion which comes remotely close to what a Bible believing Christian understands by ‘born again’. His own account in Surprised by Joy reads more like the philosophical acceptance of a difficult scientific theory than a life changing religious experience. Most Americans are unaware of the extent to which the English academia in the 18th and 19th centuries was steeped in the literature, history and mythology of Greece and Rome. Furthermore, with countless members of the ruling elite and the upper middle class serving in India and the Middle East, they were exposed to, and greatly influenced by, the religious traditions and mythologies of the Orient. This led to the widely-held belief that all religions were fundamentally mythological in character and that, while they served a useful social function, they were either (a) devoid of any absolute truth or (b) expressions of a universal moral truth common to all religions. It was the latter stream from which English Freemasonry drew and from which the spiritual ethos of Oxford and Cambridge was formed. Theosophy and other eastern occult ideas, as well as mesmerism and spiritualism, took hold within the establishment and had a marked effect on many senior figures, even among the Anglican Church: ...among the clergy of the Church of England proper, there was in the early years of this century [20th] a measurable interest in Theosophy and occult matters. - Webb, p.131 Within the establishment of the Church of England, the classical scholar Dean Inge redirected attention to the Tradition of Plotinus and those Christians who had followed him. The interest aroused by Inge’s lectures at Oxford in 1899...was extensive...[he] admitted that Christian mysticism owed a debt to the Greek Mysteries. - Webb, p.276 The Druidical theories gave birth in the 19th century to a cult known as “Bardism,” whose members professed the articles of faith of the

Church of England, while apparently holding to some almost Gnostic tenets and celebrating rites of “a Masonic character.” - Webb, p.231 This was the ethos in which Lewis himself was formed. Unorthodox Christian theology, the mythologies of Greece and Rome, the Scandinavian sagas, the medieval romances, and the ancient lore of Egypt and Babylon provided the bricks from which his religious edifice was constructed. He simply put ‘Christ’ on top, where others put Zeus or Saturn or Apollo.

The C S Lewis version of Christ

What most Christians don’t seem to realise is that this ‘Christ’ – the C S Lewis version of Christ – is not the Messiah Redeemer, but an archetypal figure revered by pagans since ancient times, the perfected man or god-man, the pinnacle of human evolution. In light of the evidence that I present in this paper, I submit that Lewis chose Christ, rather than Apollo, say, as his god-man archetype because he wished to draw a great many others into his system of belief. While the small circle of committed pagans whom he knew and with whom he met regularly – known as the Inklings – were already in step with his philosophy, there was enormous potential for spreading his ideas by linking them directly to just one ‘mythology,’ that of Judeo-Christianity. This is why I was surprised to learn that millions of Bible-believing Christians in the US were looking to Lewis for guidance and edification. Most members of the New Age, especially those who have read widely and met with representatives of its various branches, know that C S Lewis is simply a vehicle for drawing new converts into paganism and the New Age movement. He does this by the time-honoured method – pretend to be a friend, use the right terminology, and slowly draw your audience in another direction. I will shortly show how he did this, in his own words. But first I’d like to quote two high-profile, former practitioners of witchcraft – John Todd and David Meyer.

Testimony from Two Former Witches

Todd is a very interesting character. He was born into an Illuminati family (one which practices traditional witchcraft and conducts clandestine, usually illegal, activities with similar families) and was initiated into an advanced level of the occult while still in his teens. He made a series of taped talks in the 1970s after his surprise conversion to Christianity. Fortunately these recordings are still available on the Internet, though Todd himself was silenced shortly thereafter by his ‘family’ for revealing far too much information. On tape 2(b) he warns his audience of born-again Christians as follows: “How many of you read [books by] C S Lewis? How many of you read [books by] JRR Tolkien? Burn them. I’m going to repeat this – Burn them, burn them! Lewis was supposed to have been once allured [charmed into witchcraft] by Tolkien. Tolkien was supposed to be a Christian. And witches call all those books [i.e. the books of Tolkien and Lewis] their bible. They have to read them before they can be initiated, and it is well known in England and published in occult books that they both belonged to Rothschild’s private coven...They are not Christian books. We have found books that are outside of the Screwtape Letters where Lewis talks of the gods Diana, Kurnous and others as beings, as real gods. C. S. Lewis, who was supposed to be a Christian and his books are sold in Christian stores. Burn ‘em. They’re witchcraft books.” David Meyer was also born into a family which practiced traditional witchcraft. According to his own testimony, while still in his teens he opened himself successfully to the demonic entities which operated through his deceased grandmother, who was also a witch. This gave him unusual occult powers which, no doubt, would have led him to a senior position in the American occult hierarchy. However, before this could happen, he was saved by the blood of Christ, became a born-again Christian and, later, a pastor. Here is how he described the dangers posed by the disguised occult writings of C S Lewis: “As a former witch, astrologer, and occultist who has been saved by the grace of God, I know that the works of C.S. Lewis are required reading by neophyte witches, especially in the United States and England. This includes The Chronicles of Narnia, because [they] teach neophyte[s], or new witches, the basic mindset of the craft... “The story of the Narnian Chronicle known as The Lion, the Witch, and the Wardrobe is one of clandestine occult mysticism and is not Sunday School material unless your Sunday School is a de facto witch coven...The main character of the book is a lion named Aslan, which is [derived from Arslan] the Turkish word for lion. Aslan the lion is the character that “Christian” teachers say is the Christ figure, but witches know him to be Lucifer. The lion, Aslan, appears in all seven of the books of The Chronicles of Narnia.” Of course, one could ignore these warnings, possibly by doubting the occult bona fides of their authors. After all, how could

someone as “nice” as C S Lewis be involved in anything of this nature. But believe me, some of the “nicest” people you could ever meet are practitioners of the occult. According to their philosophy, they are morally entitled to spread their beliefs in a disguised form, for the greater good of mankind.

Ask yourself the Obvious Question

Ask yourself, why do New Age and occult book stores stock the works of C S Lewis? After all, if they were remotely Christian, they would be banned! No practitioner of the occult would associate himself (or herself) with anything that genuinely proclaimed, in any sense, the cleansing blood of Christ. It pleases them greatly to see how completely Christians have been taken in by the paganised version of Christianity which Lewis portrays in his occult fantasies. Where Christians see Aslan as a Christ figure, they know that he really represents Lucifer, the glorious sun god of witchcraft. For example, the famous Luciferian, Albert Pike, one of the most respected figures in modern Freemasonry, described Horus, the powerful Egyptian deity – whose ‘eye’ is a well-known symbol in Illuminated Freemasonry – in the following terms: “He is the son of Osiris and Isis; and is represented sitting on a throne supported by lions; the same word, in Egyptian, meaning Lion and Sun.” (Morals and Dogma). He also says that “The Lion was the symbol of Atom-Re, the Great God of Upper Egypt.” This is why the lion figures too prominently in the iconography of British imperialism, representing as it does the sun god and perfected man of Masonry. The Narnia Chronicles are plain celebrations of white magic and its power to defeat black magic. They are occult throughout. And the number of magical ideas and pagan deities which they portray is quite extraordinary. These are dressed up and presented in such a jolly British fashion, and carefully geared towards the mind of a child, that our critical faculty fails to register the obvious – that the power of white magic and the power of Christ are NOT the same thing. Readers fall into an appalling trap when they confuse the two. However, it is precisely this confusion that Lewis is exploiting. Perhaps you are thinking that, while the fiction works of C S Lewis can be construed in this way, for whatever reason, his non-fiction writings must surely provide irrefutable evidence that he was Christian to the core? Well, you are in for a big surprise.

Two Key Works by C S Lewis

Let’s focus on two works which have long been regarded as exemplary expressions of his enlightened Christian theology – Mere Christianity (1952) and Reflections on the Psalms (1958). The former, I believe, has sold several million copies and is used by many born-again Christians as an evangelical tool. The latter, though less philosophical, will allow us to see how much understanding and respect Lewis had for the Word of God.

Mere Christianity

There are a number of things about the book, Mere Christianity, which should immediately strike any Christian as exceedingly odd. To begin with, Lewis virtually ignores the Word of God throughout. One looks in vain for a scriptural verse to support even one of his countless philosophical observations. What may seem like an eccentricity of his part in the early part of the book becomes more akin to an antipathy later on, especially when he makes one assertion after another which simply cry out for scriptural support. Secondly, he makes no attempt whatever to relate his ideas to the work of any other scriptural authority or Bible commentator. Everything he says is suspended in a theological vacuum, supported entirely by the authority of just one individual – Mr. Lewis himself. To deflect attention from this, he uses the age-old trick of soft persuasion and common sense as the basis for his many theological conclusions. Thirdly, he pretends to ‘teach’ the basics of Christianity while all the time assuming that his audience already knows them. This is another literary device, whereby the writer avoids exposing any defects in his argument by inducing his readers to fill in the gaps for themselves. This quicksilver approach is perfectly suited for his purpose. After all, we would be surprised if the author of The Screwtape Letters – which teach the art of deception – did not himself possess a similar skill. The difference here, however, is that instead of instructing his student (Wormwood), he is leading him into accepting ideas which have no Biblical foundation.

Preparing the Ground

The first twenty-five chapters sketch out a congenial picture of Christianity, one which is so vague and magnanimous, so soft and woolly, that virtually no-one could seriously object to it. These prepare the reader to imbibe just as willingly the toxic brew which he pours into the last eight chapters. Again, we see the consummate salesman at work, neutralising our critical faculty with endless platitudes and then passing off his glazed earthenware as Meissen china. By the time he has reached the 'toxic brew' section of the book, the reader has been lured into accepting, or at least being open to, a host of compromising assumptions: that Christ was mainly a supremely wise and kindly man ("It is quite true that if we took Christ's advice, we should soon be living in a happier world" – p.155); the possibility of panentheism ("God is not like that. He is inside you as well as outside" – p.149); that human will is central to salvation ("Christian Love, either towards God or towards man, is an affair of the will." – p.132); that modern psychology and psychoanalysis, notably the works of Carl Jung ("great psychologist"), are fully compatible with Christianity ("But psychoanalysis itself...is not in the least contradictory to Christianity." – p.89); that the main goal of Christianity is moral perfectibility and that hell is the failure to achieve this ("Perhaps my bad temper or my jealousy are gradually getting worse – so gradually that the increase in seventy years will not be very noticeable. But it might be absolute hell in a million years: in fact, if Christianity is true, Hell is the precisely correct technical term for what it would be." – p.74); that Christian ordinances have sacramental power ("...this new life is spread not only by purely mental acts like belief, but by bodily acts like baptism and Holy Communion." – p.64); that Christ is substantially present in the communion bread ("...that mysterious action which different Christians call by different names – Holy Communion, the Mass, the Lord's Supper." – p.61); that Christ was primarily a step in the evolution of mankind ("People often ask when the next step in evolution – the step to something beyond man – will happen. But on the Christian view, it has happened already. In Christ a new kind of man appeared: and the new kind of life which began in Him is to be put into us." – p.60). And these are just a sample.

All of these propositions are in conflict with Christianity, but they are perfectly compatible with New Age philosophy. Alas, many Christians today are unable to tell the difference.

The Toxic Brew

We can now examine the toxic brew which Lewis serves up in the last eight chapters of the book. One of the main ideas in these chapters is that the universe is suffused by an invisible spiritual energy. In an earlier part of the book he has already made a distinction between two life energies – Bios, the animating force in living creatures, and Zoe, the eternal spiritual force. "The Spiritual life which is in God from all eternity, and which made the whole natural universe, is Zoe." (p.159) This is developed later into the notion that both Christ and the Holy Spirit are expressions of this Zoe: "...we must think of the Son always, so to speak, streaming forth from the Father, like light from a lamp, or heat from a fire, or thoughts from a mind. He is the self-expression of the Father – what the Father has to say." (p.173-174). This is not Christianity, but Gnosticism and Neo-Platonism. Practitioners of witchcraft call Zoe by another name – The Force. This is the same concept that is eulogised in the Star Wars series of movies (Hollywood is passionately dedicated to the spread of witchcraft and the destruction of Bible-based Christianity). This energy, he says, pulsates and evolves into more profound expressions of itself: "...in Christianity God is not a static thing – not even a person – but a dynamic, pulsating activity, a life, almost a kind of drama. Almost, if you will not think me irreverent, a kind of dance." (p.175) This dance is akin to the dance of Shiva, a key concept in Hinduism. Note carefully – Lewis is saying that the God of Christianity is not even a person, but a pulsating drama. He contends that the Father and the Son dance together and that this dance is such a tangible entity in itself that it produces a third person: "The union between the Father and the Son is such a live concrete thing that this union itself is also a Person." (p.175) Anyone familiar with oriental philosophy and eastern mysticism will immediately recognise the pagan origin of Lewis's completely non-Biblical definition of the Holy Trinity. All of these ideas – Zoe, spiritual light and heat, the divine cosmic dance, pulsating union, evolution and projection – are fundamental to occult philosophy and pervade both New Age thinking and Gnosticism, as well as such paths as Theosophy, Anthroposophy and the higher degrees of Freemasonry. Lewis develops the cosmic dance idea even further when he says: "The whole dance, or drama, or pattern of this three-Personal life is to be played out in each one of us: or (putting it the

other way round) each one of us has got to enter that pattern, take his place in that dance." (p.176) There is hardly a Hindu, a Buddhist or a Wiccan anywhere who would not be in complete agreement with this. He goes on: "There is no other way to the happiness for which we were made...If you want to get warm you must stand near the fire...If you want joy, power, peace, eternal life, you must get close to, or even into, the thing that has them...They are a great fountain of energy and beauty spurting up at the very centre of reality." (p.176) This is precisely the kind of statement one would expect from Deepak Chopra or Shirley MacLaine. It is New Age to the core.

The 'good infection'

How does Lewis get away with this? Simple – he turns Christ into the match that sets you on fire: "He [Christ] came into this world and became a man in order to spread to other men the kind of life He has – by what I call 'good infection'. Every Christian is to become a little Christ." (p.177) This is such a gross distortion of Christianity that it makes one wonder how any Baptist preacher or Presbyterian minister could ever recommend such heresy to his flock. Lewis has turned Christ into a pagan deity like Apollo or the Hindu god, Krishna – both of whom are associated with music and dance. In fact practitioners of high level witchcraft boast that the figure which Lewis is really depicting here is Lucifer, the Light Bringer (just like Aslan in the Narnia series). If you find this incredible, please persevere and we'll examine even more evidence. Another key concept in paganism is that of the goddess. Even though he should have had no scope whatever to smuggle in this idea, he still managed to do so. Describing the Incarnation of Christ, he says: "The result of this was that you now had one man who really was what all men were intended to be: one man in whom the created life, derived from His Mother, allowed itself to be completely and perfectly turned into the begotten life." (p.179) Notice the subtlety with which he does this. Christ's earthly mother becomes "His Mother," divine vessel of the perfect man. The next New Age concept follows hot on the heels of these 'cosmic' images. A central idea in occult philosophy is that all is one, a grand unified ball of consciousness. Here is how Lewis defines it in his Christianized mythology: "If you could see humanity spread out in time, as God sees it, it would not look like a lot of separate things dotted about. It would look like one single growing thing – rather like a very complicated tree. Every individual would appear connected with every other. And not only that. Individuals are not really separate from God any more than from one another." (p.180) [See the Tree of Zoe on the next page]

The Tree of Life (Zoe) sacred to the Gnostics

...we can say that the set of concepts underlying this "tree" of God's manifestations is the same as the one used by the Cabalists and in Gnostic circles, and that both Cabalists and Gnostics call it a "tree." - Attilio Mastrocinque From Jewish Magic to Gnosticism, 2005, p.103

Here we have the famous New Age 'everything is connected' philosophy. What is more, Lewis portrays this cosmic entity as a huge living organism in the process of evolving. Thus, in a few sentences, rather like a stage magician, he manages to pull a whole series of New Age ideas from his mythological hat – evolution, pantheism (or panentheism), the universal fatherhood of God and the universal brotherhood of man. According to Lewis, Christ came along at a critical stage in this evolutionary process and set a new phase in motion: "...when Christ becomes man it is...as if something which is always affecting the human race begins, at one point, to affect the whole human mass in a new way. From that point [Christ] the effect spreads through all mankind." (p.180-181) In other words, Christ was a perfect individual who, by the process of "good infection" mentioned earlier (p.177), transmitted his Zoe to the rest of the human race. And this is possible because everything is connected. Just in case we missed the "good infection" idea, he adds: "One of our own race has this new life: if we get close to Him we shall catch it from Him." (p.181) This is all so bizarre, so far removed from Biblical Christianity, that it beggars belief.

Some more Occult Principles

The remainder of the book is a consolidation of these ideas. But even while doing this he can't resist dropping in a few more occult principles. One of these is the principle universally accepted in both witchcraft and Masonry that everything exists in terms of its opposite. According to Lewis "He [the

devil] always sends errors into the world in pairs – pairs of opposites." (p.186) They believe the universe comprises both good and evil in equal measure and that it is the task of the initiate to learn how to balance these two aspects of The Force and thereby create one's own reality. This concept, that everything exists in pairs of opposites, is not found or even suggested anywhere in the Bible, but it permeates occult philosophy. For example, it is why witchcraft comprises both 'good' witches and 'bad' witches. Each accepts the need for the other, since The Force must stay in balance. The idea that The Force can be moulded, using will and imagination, to create one's own reality is central to the occult. A falsehood can become a truth, or a mask a face, if one uses the right techniques. Lewis even provides a platform for this idea when he says: "The other story is about someone who had to wear a mask; a mask which made him look much nicer than he really was. He had to wear it for years. And when he took it off he found his own face had grown to fit it. He was now really beautiful. What had begun as disguise had become a reality." (p.187) He then urges the reader to use another, related occult principle, known as the 'As if' principle. This states that if an idea is held long enough, and with sufficient feeling and identification, it will eventually become a reality. One is living 'as if' the goal had already been achieved. Here is how Lewis employs it in his fake Christianity to distort the Lord's Prayer: "Its very first words are Our Father. Do you now see what those words mean? They mean quite frankly, that you are putting yourself in the place of a son of God. To put it bluntly, you are dressing up as Christ. If you like, you are pretending." (p.187-188) He then tries to present this gradual transformation, this evolutionary process, in Biblical terms: "And now we begin to see what it is that the New Testament is always talking about. It talks about Christians 'being born again'; it talks about them 'putting on Christ'; about Christ 'being formed in us'; about coming to 'have the mind of Christ'." (p.191) The man is utterly shameless. The verses he is alluding to have no connection whatever with the occult process he is proposing. There is a vast chasm between the born-again experience of Christianity, as outlined for example in St Paul's epistles, and the alchemical transmutation which Lewis is describing. But of course, he wants to convince the reader that there is since it would mark a major step in the paganisation of Christianity.

The New Age Ascended Master

How many millions of Christians, having read this toxic brew, have been lured into the embrace of the New Age Christ, the fallen angel who masquerades as Jesus, the Ascended Master, on the 'inner planes' and works with the followers of all religions to bring enlightenment, wisdom and love? As St Paul said, "For such are false apostles, deceitful workers, transforming themselves into the apostles of Christ. And no marvel; for Satan himself is transformed into an angel of light." (2 Corinthians 11:13-14) 12 Lewis sees this process of transmutation leading all the way to what the New Agers call god-realization, where Christ turns man himself into a god by "killing the old natural self in you and replacing it with the kind of self He has. At first, only for moments. Then for longer periods. Finally, if all goes well, turning you permanently into a different sort of thing; into a new little Christ, a being which, in its own small way, has the same kind of life as God; which shares in His power, joy, knowledge and eternity." (p.191-192) Lest there be any doubt that he does actually mean we are turning into little gods and goddesses, he says: "He will make the feeblest and filthiest of us into a god or goddess, a dazzling, radiant, immortal creature, pulsating all through with such energy and joy and wisdom and love as we cannot now imagine, a bright stainless mirror which reflects back to God perfectly (though, of course, on a smaller scale) His own boundless power and delight and goodness." (p.206) In the occult such a perfected person is known as a god-man, an adept, a magus, or Illuminatus. He is deemed to be a law unto himself and can travel consciously in the "higher worlds" while still living on earth. Many senior Masons and Rosicrucians, among others, believe they have reached this state. They don't understand that Satan is able to project his false light into the minds of his victims and deceive them into thinking that something truly spiritual has occurred. This promise of Mastership or God-Realization is exactly the enticement that Satan used to deceive Eve in the Garden of Eden. It is an ancient philosophy, but it's not Christianity. It is profoundly Luciferian and has been designed by him to lure men to their destruction. Christ warned of this terrible danger when he said: "And fear not them which kill the body, but are not able to kill the soul: but rather fear him which is able to destroy both soul and body in hell." (Matthew 10:28) As an out-and-out universalist, Lewis does not agree with Jesus. Rather, he believes that everyone will be saved eventually, regardless of whether or not they

have found Christ. This idea – that no-one can be lost and that everyone will evolve into a higher state eventually – is common in the occult. They generally believe that can be achieved only through reincarnation, though Lewis stops short of espousing this particular concept. As a universalist, he believes that 'Christ' is gradually drawing people into alignment with himself, thereby enabling them to qualify for salvation: "There are people in other religions who are being led by God's secret influence to concentrate on those parts of their religion which are in agreement with Christianity, and who thus belong to Christ without knowing it." (p.209) Lewis is a wolf in sheep's clothing, a false prophet who has done untold damage to true Christianity. As a hidden or disguised wolf – lupus occultus – he works his way into the minds and hearts of his readers, many of whom are children, and sows a handful of occult seeds from a bag labelled 'Christianity.' And his fleece is so soft and cuddly that no-one would ever suspect he's a double-agent.

The Process of Evolution

The process of evolution itself will undergo change, according to Lewis. In place of the mechanical evolution which operated in the past, both man and animals will advance into a higher stage as more Zoe comes into the world via the growing number of god-realized individuals that live here and then spreads out to infect others: "...I should expect the next stage in Evolution not to be a stage in Evolution at all: should expect that Evolution itself as a method of producing change will be superseded...Already the new men are dotted here and there all over the earth. Some, as I have admitted, are still hardly recognisable: but others can be recognised." (p.220 and 223) This is actually a core tenet of Masonry, Theosophy and many occult paths. These Adepts, Masters or Supermen are said to be operating incognito, moving quietly among the masses of mankind, dispensing their spiritual blessings and lifting natural man into a higher level of consciousness. What can one say about all of this? How on earth did Lewis manage pass off all this occult nonsense as Christianity? He clearly knew what he was doing. It is reasonable to surmise that in his regular meetings with his Inkling friends at Oxford, he was testing out his ideas and seeking their opinions. This would enable him to determine just how far he could go without arousing suspicions. These lifelong confidants were all avid students of the occult, especially JRR Tolkien, Charles Williams and Owen Barfield. Charles Williams occult practitioner Owen Barfield occult practitioner Williams had actually been a member of the Golden Dawn, a group dedicated to the study of advanced witchcraft. Its membership included Aleister Crowley, one of the most Satanic black adepts of the 20th century. Lewis was also greatly influenced by Owen Barfield whom he described as "the best and wisest of my unofficial teachers." Barfield was an internationally recognised authority on Anthroposophy, an occult offshoot of Theosophy founded by the Austrian magus, Rudolph Steiner, in 1912. He even co-authored several books with Steiner. Like Madame Blavatsky, Steiner taught that Lucifer, the Light Bearer, was the true instructor in the divine mysteries. Aleister Crowley Black Magician Rudolph Steiner Occult Magus Given that he was inviting high level occult practitioners into his personal circle, and that they in turn were closely associated with some of the most Lucifer-imbued people of the 20th century, there can be no doubt that Lewis himself was heavily exposed to demonic influences. He would have found it hard to resist these dark influences even if he had wanted to. A fascination with the occult had taken hold of him in his childhood and, by his own admission, had stayed with him throughout his life: "And that started in me something with which, on and off, I have had plenty of trouble since – the desire for the preternatural, simply as such, the passion for the Occult. Not everyone has this disease; those who have will know what I mean...I once tried to describe it in a novel. It is a spiritual lust; and like the lust of the body it has the fatal power of making everything else in the world seem uninteresting while it lasts." (Surprised by Joy, C S Lewis, Harcourt Brace, 1955, pages 58-60.)

Reflections on the Psalms

The second non-fiction work that I propose to examine is Reflections on the Psalms. Lewis published this in 1958, just five years before his death. He really let his fleece slip when writing this work. Again and again he makes statements which, had they been made earlier in his career, would have revealed his true antipathy to Christianity. Perhaps he felt so secure in his reputation that he saw no need for the clever misdirection which he had used to such good effect in Mere Christianity. One of the first things that strikes the reader is the extraordinary arrogance of his tone when discussing the Psalms.

When one thinks of the great Bible commentators like Matthew Henry, C H Spurgeon, Arthur Pink, Matthew Poole, and others, who speak with undiminished reverence for these wonderful works, it is extraordinary to see how disrespectful Lewis proves to be. Even though I already knew his 'game,' I found his flippancy quite breathtaking. He starts with the 'imprecatory' Psalms, namely those in which the Psalmist asks the LORD to deal firmly with his enemies. Lewis regards these Psalms as clear evidence that the authors were not nearly as enlightened or as spiritual as we are today: "The reaction of the Psalmists to injury, though profoundly natural, is profoundly wrong. One may try to excuse it on the ground that they were not Christians and knew no better." (p.22) Lest we imagine that this was just an isolated instance of his spleen, he also says: "Still more in the Psalmists' tendency to chew over and over the cud of some injury, to dwell in a kind of self-torture on every circumstance that aggravates it, most of us can recognise something we have met in ourselves. We are, after all, blood-brothers of these ferocious, self-pitying, barbaric men." (p.20) Regarding verse 5 of Psalm 23 ("Thou preparest a table before me in the presence of mine enemies"), he says: "This may not be so diabolical as the passages I have quoted above; but the pettiness and vulgarity of it, especially in such surroundings, are hard to endure. One way of dealing with these terrible (dare we say?) contemptible Psalms is simply to leave them alone." (p.18) Remember, he is speaking here about Psalm 23, one of the best-loved of all the Psalms. Note the number of derogatory terms he employs to express his utter disregard for the Word of God – diabolical, pettiness, vulgarity, terrible, contemptible. What is more, he says that, in his opinion, some of the Psalms are even more "diabolical". But he doesn't stop there: "At the outset I felt sure, and I feel sure still, that we must not either try to explain them away or to yield for one moment to the idea that, because it comes in the Bible, all this vindictive hatred must somehow be good and pious. We must face both facts squarely. The hatred is there – festering, gloating, undisguised – and also we should be wicked if we in any way condoned or approved it..." (p.19) This is quite incredible. As my daughters might say, This guy has really lost it. He is dismissing the authors of the 'imprecatory' Psalms – who must have included David – as men consumed by "vindictive hatred" – "festering, gloating, undisguised." Speaking of pagan writers from the same era, he says: "I can find in them lasciviousness, much brutal insensibility, cold cruelties taken for granted, but not this fury or luxury of hatred...One's first impression is that the Jews were much more vindictive and vitriolic than the Pagans." (p.23) Is this is the kind of pseudo-Christian material which Baptist, Presbyterian and Evangelical pastors, among others, are recommending to their churches? Sadly, yes.

<u>The Pharisaic Psalmists</u>

Even when he leaves the 'imprecatory' Psalms, he is relentless in his mission to highlight what he perceives as the self-righteousness, even wickedness, of the Psalmists: "...an extremely dangerous, almost a fatal, game. It leads straight to 'Pharisaism' in the sense which Our Lord's own teaching has given to that word. It leads not only to the wickedness but to the absurdity of those who in later times came to be called the 'unco guid' [i.e. the rigidly righteous]. This I assume from the outset, and I think that even in the Psalms this evil is already at work." (p.56-57) Lewis does not accept that the Psalms, or even the Bible itself, is the directly inspired Word of God. It can only be said to be the Word of God to the extent that it happens to culminate, after a long process of evolution through earlier pagan cultures, in the myth known as Christianity. "Every good teacher, within Judaism as without, has anticipated Him [Jesus]. The whole religious history of the pre-Christian world, on its better side, anticipates Him. It could not be otherwise. The Light which has lightened every man from the beginning may shine more clearly but cannot change." (p.23) Lewis believes that the light which shone through Jesus was already in the world in pagan times, operating through pagan cultures and belief systems, but in an attenuated form. Gradually, over time it evolved to the point where it could find full expression in one particular culture, the Jewish culture, but it could just as easily have reached that stage in another culture had circumstances been a little different. He claims that the Egyptian Hymn to the Sun, written by the Pharaoh Amenhetep IV (also known as Akhenaten) in the 14th century BC "provides a fairly close parallel to Psalm 104": "Whatever was true in Akhenaten's creed came to him, in some mode or other, as all truth comes to all men, from God. There is no reason why traditions descending from Akhenaten should not have been among the instruments which God used in making Himself known to Moses." (p.73-74) He hints at the possibility, but says it would be rash to assume, that "if only the priests and people of Egypt had accepted it [Akhenaten's monotheism], God could

have dispensed with Israel altogether and revealed Himself to us henceforward through a long line of Egyptian prophets." (p.75) These remarks display such a flagrant misunderstanding of the Bible and God's plan of Redemption, such a fundamental ignorance of all that the LORD sought to achieve through the children of Israel, that they take one's breath away.

Pagan Light

Jesus said he was the Light of the world – "Then spake Jesus again unto them, saying, I am the light of the world: he that followeth me shall not walk in darkness, but shall have the light of life." (John 8:12). There is no other supernatural light – none whatever – except the false light of Lucifer, the so-called Light Bearer. Jesus warned of the dangers posed by this false light when he said: The light of the body is the eye: if therefore thine eye be single, thy whole body shall be full of light. But if thine eye be evil, thy whole body shall be full of darkness. If therefore the light that is in thee be darkness, how great is that darkness! (Matthew 6:22-23) Lewis wants us to believe that the Light of Christ was evident in the 'true' elements of pagan religions. But this is not what the Bible teaches. Rather it states clearly and repeatedly that all pagan religions are false and that the children of Israel were to have no association with them whatever. They weren't even to acquire a theoretical knowledge of their precepts and practices. He claims that this 'light' informed the minds and hearts of pagan cultures and enabled them to identify disparate elements of Biblical truth. These truth-bearing stories were told and re-told over and over again, changing along the way in response to "pressure from God," and then appropriated and recorded by the Hebrew prophets: "I have therefore no difficulty in accepting, say, the view of those scholars who tell us that the account of Creation in Genesis is derived from earlier Semitic stories which were Pagan and mythical." (p.95) "What the teller, or last re-teller, of Genesis would have said if we had asked him why he brought...[a particular] episode in or where he had got it from, I do not know. I think, as I have explained, that a pressure from God lay upon these tellings and re-tellings." (p.106-107) "Generalising thus, I take it that the whole Old Testament consists of the same sort of material as any other literature...[chronicles, poems, diatribes, romances] ... but all taken into the service of God's word." (p.96) We should pause here for a moment and reflect on the precise implications of what he is saying. The inspiration of the Hebrew prophets and the light which filled their understanding was exactly the same inspiration and the same light which shaped the myths and stories of pagan cultures. The only distinctive contribution made by the Hebrew prophets was the providential role they played in fitting all of these truths into a coherent religious framework. Thus the Bible is not the unique Word of God but merely a work of literature that happens to function in "the service of God's word."

Lewis rejects Biblical Prophecy

Lewis is clearly rejecting both the inerrancy and the unconditional authority of the Bible. He has already attacked some of the Psalms as "diabolical" and "contemptible." A more damning dismissal of divine inspiration would hardly seem possible, but he doesn't stop there. Since the prophetic power of the Bible has been cited from time immemorial as clear proof of its uniquely divine origin, he proceeds to attack this aspect as well. For example, Isaiah 53 is universally regarded among Christians as a truly wonderful prophecy about the Messiah, yet in a patronising parenthetical comment he compares it to the work of J W Dunne, a modern psychic: "(Our ancestors would have thought that Isaiah consciously foresaw the sufferings of Christ as people see the future in the sort of dreams recorded by Mr Dunne. Modern scholars would say, that on the conscious level, he was referring to Israel itself, the whole nation personified. I do not see that it matters which view we take.)" (p.102) He then goes on to suggest that whenever Jesus identified himself with the Messiah foretold in the supposedly prophetic passages in the Old Testament, he is merely exploiting an incidental similarity for educational purposes. The passages themselves were not actually prophetic, merely useful. He even suggests that this holds for "the sufferer in Psalm 22" (p.102). He berates modern Christians who use the Psalms to find allegorical meanings, like the Incarnation, the Passion, the Resurrection, the Ascension, and the Redemption of man: "All the Old Testament has been treated in the same way. The full significance of what the writers are saying is, on this view, apparent only in the light of events which happened after they were dead. Such a doctrine, not without reason, arouses deep distrust in a modern mind. Because, as we know, almost anything can be read into any book if you are determined

enough. This will be especially impressed on anyone who has read fantastic fiction." (p.85) His sweeping dismissal of Biblical prophecy is almost triumphant in tone.

Lewis rejects the Praise of the Lord

Lewis also has great difficulty with the strong scriptural emphasis on praising the LORD. He found it both "especially troublesome" and "extremely distressing": "The Psalms were especially troublesome in this way...Worse still was the statement put into God's own mouth, 'whoso offereth me thanks and praise, he honoureth me' (50:23). It was hideously like saying, 'What I most want is to be told that I am good and great.'...More than once the Psalmists seemed to be saying, 'You like praise. Do this for me, and you shall have some.'... It was extremely distressing. It made one think what one least wanted to think. Gratitude to God, reverence to Him, obedience to Him, I thought I could understand; not this perpetual eulogy." (p.77-78) This is an extraordinary claim by Lewis. He is virtually accusing the Psalmists of idol worship. In fact he calls it "...the very silliest Pagan bargaining, that of the savage who makes offerings to his idol..." (p.78) The idea that man should be obliged in any sense to praise God is extremely offensive to Lewis. He proceeds to come up with a solution to this "problem" by saying that it can only be legitimate when it is conducted on a par with the admiration one has for a work of art or an object found in nature: "...many objects both in Nature and in Art may be said to deserve, or merit, or demand, admiration. It was from this end, which will seem to some irreverent, that I found it best to approach the idea that God 'demands' praise." (p.79) He then goes on to define God as "the supremely beautiful and all-satisfying Object." (p.79). In other words, God is to be "admired" in the same way that a person admires one of His creations. Incredibly, Lewis himself is advocating idolatry – the giving of praise to any created thing which ought to be given only to God. And when the Psalmists tell everyone to praise God, according to Lewis, they are really doing what any atheist does when he speaks highly of something he admires or cares about. This is true even when they claim to delight in the Law, for which he accuses them of spiritual pride – in addition to the pedantry and conceit that were already evident: "The Psalmists in telling everyone to praise God are doing what all men do when they speak of what they care about." (p.81) "...what an ancient Jew meant when he said he 'delighted in the Law' was very like what one of us would mean if he said that somebody 'loved' history, or physics, or archaeology...the danger of spiritual pride is added to that of mere ordinary pedantry and conceit." (p.48)

Some Closing Heresies

His extraordinary attack upon the sovereignty of God is consistent with the pagan view that God is in some sense still evolving, just like His creation. Even the things that God has created are somehow deficient and must "evolve" in order to reach their intended perfection. Man is still an animal, a primate striving to transcend his earthly limitations: "On the ordinary biological view (what difficulties I have about evolution are not religious) one of the primates is changed so that he becomes a man; but he remains still a primate and an animal." (p.99-100) How should one reconcile this with the atoning blood of Christ which removed all condemnation from the believer in the eyes of the Father? It turns out that Lewis does not believe in the atoning blood of Christ. For him, the death and resurrection constituted a Jungian archetype, the fulfilment of an ancient pre-Christian myth in which all mankind participates and draws benefit:

	Beliefs/Theology	CS Lewis	Born Again Christian
1	The Bible is Inerrant	No	Yes
2	The Bible is the inspired word of God	No	Yes
3	The Bible is the only source of God's truth	No	Yes
4	The Bible is a literal document	No	Yes
5	The Bible is prophetic	No	Yes
6	Evolution is false	No	Yes
7	The Holy Spirit is exclusively a person	No	Yes

8	Christ atoned for our sins	No	Yes
9	Christ alone is the Light of the world	No	Yes
10	God is to be praised above any created thing	No	Yes
11	Natural man is in complete condemnation before God	No	Yes
12	Pagan religions are false	No	Yes
13	Sacraments are not required for salvation	No	Yes
14	Works are not required for salvation	No	Yes
15	Being born-again is an event, not a process	No	Yes
16	Hell is an actual place	No	Yes
17	The salvation of a born-again Christian is secure	No	Yes
18	Purgatory is a false concept	No	Yes
19	Praying for the dead is necromancy	No	Yes
20	White magic is evil	No	Yes
21	God is outside man	No	Yes
22	God is outside the world	No	Yes
23	God created man in the garden of Eden	No	Yes
24	God's Creation was originally perfect	No	Yes
25	The Psalmists were righteous men	No	Yes

"If Christ 'tasted death for all men', became the archetypal sufferer, then the expressions of all who ever suffered in the world are, from the very nature of things, related to His." (p.110) This use of Christianity as merely a means of bringing ancient pagan truths into fulfilment, a kind of capstone on a pagan pyramid as it were, is further exemplified in the way he turns the marriage of the Bridegroom (Christ) with His bride (the Church) into the archetypal pagan union of the god and the goddess: "...the god as bridegroom, his 'holy marriage' with the goddess, is a recurrent theme and a recurrent ritual in many forms of Paganism...Christ, in transcending, and thus abrogating, also fulfils, both Paganism and Judaism..." (p.112)

Conclusion

It should be fairly obvious that C S Lewis was never a Christian, that, like most pagans, he harboured a deep animosity towards true Christianity, and furthermore, that he sought to undermine it by stealthily presenting it in a paganised form. The table above shows how wide a chasm exists between the occult views of C S Lewis and the beliefs held to be essential by a born-again Christian. The table may not even be complete since there are many other areas where Lewis departs from true Biblical theology. For example, in his essay, The Abolition of Man, he argues at length that all morality is founded in the Tao, an ancient Chinese concept denoting the dualistic harmony of the universe. Also, there are numerous Christian concepts and beliefs which Lewis does not address in any meaningful way, perhaps because, if he had, his real agenda would have become apparent. Even if one managed to amass enough evidence from the total corpus of his writings to contest two or three of the 25 beliefs set out in the table, one is still left with ample proof that Lewis was not a Christian and never had been. The next step should also be obvious – none of the books by C S Lewis should be sold in Christian bookstores, no born-again pastor or preacher should ever again endorse this apostate writer, and all churches which have hitherto endorsed his writings should hasten to warn their flocks. Finally, I have one word for all those Christian pastors and preachers who have strongly endorsed this apostate, pseudo-Christian writer – Shame.

Bibliography

Aldred, Cyril Akhenaten: King of Egypt, Thames and Hudson, 1988
Baer, Randall Inside the New Age Nightmare, Vital Issues Press, 1989
Bailey, Alice The Externalisation of the Hierarchy, Lucis Trust, 1957
Cloud, David New Evangelicalism: Its History, Characteristics and Fruit, Way of Life Literature, 2006
Cumbey, Constance Hidden Dangers of the Rainbow, Huntingdon House, 1983
Ferguson, Marilyn The Aquarian Conspiracy, Putnam, 1980
Hunt, Dave Occult Invasion: The Subtle Seduction of the World and Church, Harvest House, 1998
Lewis, C.S The Abolition of Man, 1943 The Lion, the Witch and the Wardrobe, 1950 Mere Christianity, Harper Collins, 1952, Signature Classics Edition 2002 Reflections on the Psalms, Harper Collins, 1958 Fount Paperbacks edition, 1998 Surprised by Joy, Harper Collins, 1955
Matrisciana, Caryl Gods of the New Age, Harvest House, 1985
Meyer, David The Witchcraft of the Narnia Chronicles, Last Trumpet Ministries, 2005
Pike, Albert Morals and Dogma of the Ancient and Accepted Scottish Rite of Freemasonry, Charleston, 1871
Pye, Robert Eighteen New Age Lies: An Occult Attack on Christianity, Scribd archive, 2009
Thomas, Keith Religion and the Decline of Magic, Weidenfeld and Nicholson, 1971
Washington, Peter Madame Blavatsky's Baboon, Schocken, 1996
Webb, James The Occult Underground, Open Court Publishing, 1974
Yates, Frances The Occult Philosophy in the Elizabethan Age, Routledge and Kegan Paul, 1979 The Rosicrucian Enlightenment, Routledge and Kegan Paul, 1972

Website: www.zephaniah.eu Copyright Jeremy James 2010 This paper may be distributed and posted on other websites provided the source (www.zephaniah.eu) and author (Jeremy James) are acknowledged and no amendments are made.
Back